Wm McAlpine

THE

HISTORY OF ROME

MOMMSEN

THE HISTORY OF ROME

BY

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TRANSLATED
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BOOK THIRD

FROM THE UNION OF ITALY

TO THE

SUBJUGATION OF CARTHAGE AND THE GREEK STATES

Continued

CHAPTER XI

THE GOVERNMENT AND THE GOVERNED

Formation of new parties.

THE fall of the patriciate by no means divested the Roman commonwealth of its aristocratic character. We have already (i. 393) indicated that the plebeian party carried within it that character from the first as well as, and in some sense still more decidedly than, the patriciate; for, while in the old body of burgesses an absolute equality of rights prevailed, the new constitution set out from a distinction between the senatorial houses who were privileged in point of burgess rights and of burgess usufructs, and the mass of the other citizens. Immediately, therefore, on the abolition of the patriciate and the formal establishment of civic equality, a new aristocracy and a corresponding opposition were formed; and we have already shown how the former engrafted itself as it were on the fallen patriciate, and how, accordingly, the first movements of the new party of progress were mixed up with the last movements of the old opposition between the orders (i. 394). The formation of these new parties began in the fifth century, but they assumed their definite shape only in the century which followed. The development of this internal change is, as it were, drowned amidst the noise of the great wars and victories, and not merely so, but the process of formation is in this case more withdrawn from view than any

other in Roman history. Like a crust of ice gathering imperceptibly over the surface of a stream and imperceptibly confining it more and more, this new Roman aristocracy silently arose; and not less imperceptibly, like the current concealing itself beneath and slowly extending, there arose in opposition to it the new party of progress. It is very difficult to sum up in a general historical view the several, individually insignificant, traces of these two antagonistic movements, which do not for the present yield their historical product in any distinct actual catastrophe. But the freedom hitherto enjoyed in the commonwealth was undermined, and the foundation for future revolutions was laid, during this epoch; and the delineation of these as well as of the development of Rome in general would remain imperfect, if we should fail to give some idea of the strength of that encrusting ice, of the growth of the current beneath, and of the fearful moaning and cracking that foretold the mighty breaking up which was at hand.

Germs of the nobility in the patriciate.

The Roman nobility attached itself, in form, to earlier institutions belonging to the times of the patriciate. Persons who once had filled the highest ordinary magistracies of the state not only, as a matter of course, practically enjoyed all along a higher honour, but also had at an early period certain honorary privileges associated with their position. The most ancient of these was doubtless the permission given to the descendants of such magistrates to place the wax images of these illustrious ancestors after their death in the family hall, along the wall where the pedigree was painted, and to have these images carried, on occasion of the death of members of the family, in the funeral procession (i. 373). To appreciate the importance of this distinction, we must recollect that the honouring of images was regarded in the Italo-Hellenic view as unrepublican, and on that account the Roman state-police did not at all tolerate the exhibition of effigies of the living, and strictly

superintended that of effigies of the dead. With this privilege were associated various external insignia, reserved by law or custom for such magistrates and their descendants: —the golden finger-ring of the men, the silver-mounted trappings of the youths, the purple border on the *toga* and the golden amulet-case of the boys[1]—trifling matters, but still important in a community where civic equality even in external appearance was so strictly adhered to (i. 392), and where, even during the second Punic war, a burgess was arrested and kept for years in prison because he had appeared in public, in a manner not sanctioned by law, with a garland of roses upon his head.[2]

Patricio-plebeian nobility.

These distinctions may perhaps have already existed partially in the time of the patrician government, and, so long as families of higher and humbler rank were distinguished within the patriciate, may have served as external insignia for the former; but they certainly only acquired political importance in consequence of the change

[1] All these insignia probably belonged on their first emergence only to the nobility proper, *i.e.* to the agnate descendants of curule magistrates; although, after the manner of such decorations, all of them in course of time were extended to a wider circle. This can be distinctly proved in the case of the gold finger-ring, which in the fifth century was worn only by the nobility (Plin. *H. N.*, xxxiii. 1, 18), in the sixth by every senator and senator's son (Liv. xxvi. 36), in the seventh by every one of equestrian rank, under the empire by every one who was of free birth. So also with the silver trappings, which still, in the second Punic war, formed a badge of the nobility alone (Liv. xxvi. 37); and with the purple border of the boys' *toga*, which at first was granted only to the sons of curule magistrates, then to the sons of equites, afterwards to those of all free-born persons, lastly—yet as early as the time of the second Punic war—even to the sons of freedmen (Macrob. *Sat.* i. 6). The golden amulet-case (*bulla*) was a badge of the children of senators in the time of the second Punic war (Macrob. *l.c.*; Liv. xxvi. 36), in that of Cicero as the badge of the children of the equestrian order (Cic. *Verr.* i. 58, 152), whereas children of inferior rank wore the leathern amulet (*lorum*). The purple stripe (*clavus*) on the tunic was a badge of the senators (i. 99) and of the equites, so that at least in later times the former wore it broad, the latter narrow; with the nobility the *clavus* had nothing to do.

[2] Plin. *H. N.* xxi. 3, 6. The right to appear crowned in public was acquired by distinction in war (Polyb. vi. 39, 9; Liv. x. 47); consequently, the wearing a crown without warrant was an offence similar to the assumption, in the present day, of the badge of a military order of merit without due title.

367. of constitution in 387, by which the plebeian families that attained the consulate were placed on a footing of equal privilege with the patrician families, all of whom were now probably entitled to carry images of their ancestors. Moreover, it was now settled that the offices of state to which these hereditary privileges were attached should include neither the lower nor the extraordinary magistracies nor the tribunate of the plebs, but merely the consulship, the praetorship which stood on the same level with it (i. 383), and the curule aedileship, which bore a part in the administration of public justice and consequently in the exercise of the sovereign powers of the state.[1] Although this plebeian nobility, in the strict sense of the term, could only be formed after the curule offices were opened to plebeians, yet it exhibited in a short time, if not at the very first, a certain compactness of organization—doubtless because such a nobility had long been prefigured in the old senatorial plebeian families. The result of the Licinian laws in reality therefore amounted nearly to what we should now call the creation of a batch of peers. Now that the plebeian families ennobled by their curule ancestors were united into one body with the patrician families and acquired a distinctive position and distinguished power in the commonwealth, the Romans had again arrived at the point whence they had started; there was once more not merely a governing aristocracy and a hereditary nobility—both of which in fact had never disappeared—but there was a governing hereditary nobility, and the feud

[1] Thus there remained excluded the military tribunate with consular powers (i. 371), the proconsulship, the quaestorship, the tribunate of the people, and several others. As to the censorship, it does not appear, notwithstanding the curule chair of the censors (Liv. xl. 45; comp. xxvii. 8), to have been reckoned a curule office; for the later period, however, when only a man of consular standing could be made censor, the question has no practical importance. The plebeian aedileship certainly was not reckoned originally one of the curule magistracies (Liv. xxiii. 23); it may, however, have been subsequently included amongst them.

between the *gentes* in possession of the government and the commons rising in revolt against the *gentes* could not but begin afresh. And matters very soon reached that stage. The nobility was not content with its honorary privileges which were matters of comparative indifference, but strove after separate and sole political power, and sought to convert the most important institutions of the state—the senate and the equestrian order—from organs of the commonwealth into organs of the plebeio-patrician aristocracy.

The nobility in possession of the senate.

The dependence *de jure* of the Roman senate of the republic, more especially of the larger patricio-plebeian senate, on the magistracy had rapidly become lax, and had in fact been converted into independence. The subordination of the public magistracies to the state-council, introduced by the revolution of 244 (i. 337); the transference of the right of summoning men to the senate from the consul to the censor (i. 375); lastly, and above all, the legal recognition of the right of those who had been curule magistrates to a seat and vote in the senate (i. 407), had converted the senate from a council summoned by the magistrates and in many respects dependent on them into a governing corporation virtually independent, and in a certain sense filling up its own ranks; for the two modes by which its members obtained admission—election to a curule office and summoning by the censor—were both virtually in the power of the governing board itself. The burgesses, no doubt, at this epoch were still too independent to allow the entire exclusion of non-nobles from the senate, and the nobility were perhaps still too judicious even to wish for this; but, owing to the strictly aristocratic gradations in the senate itself—in which those who had been curule magistrates were sharply distinguished, according to their respective classes of *consulares*, *praetorii*, and *aedilicii*, from the senators who had not entered the senate

510.

through a curule office and were therefore excluded from debate—the non-nobles, although they probably sat in considerable numbers in the senate, were reduced to an insignificant and comparatively uninfluential position in it, and the senate became substantially a mainstay of the nobility.

The nobility in possession of the equestrian centuries.

The institution of the equites was developed into a second, less important but yet far from unimportant, organ of the nobility. As the new hereditary nobility had not the power to usurp sole possession of the comitia, it necessarily became in the highest degree desirable that it should obtain at least a separate position within the body representing the community. In the assembly of the tribes there was no method of managing this; but the equestrian centuries under the Servian organization seemed as it were created for the very purpose. The 1800 horses which the community furnished[1] were constitutionally

[1] The current hypothesis, according to which the six centuries of the nobility alone amounted to 1200, and the whole equestrian force accordingly to 3600 horse, is not tenable. The method of determining the number of the equites by the number of duplications specified by the annalists is mistaken: in fact, each of these statements has originated and is to be explained by itself. But there is no evidence either for the first number, which is only found in the passage of Cicero, *De Rep.* ii. 20, acknowledged as miswritten even by the champions of this view, or for the second, which does not appear at all in ancient authors. In favour, on the other hand, of the hypothesis set forth in the text, we have, first of all, the number as indicated not by authorities, but by the institutions themselves; for it is certain that the century numbered 100 men, and there were originally three (i. 90), then six (i. 107), and lastly after the Servian reform eighteen (i. 116), equestrian centuries. The deviations of the authorities from this view are only apparent. The old self-consistent tradition, which Becker has developed (ii. 1, 243), reckons not the eighteen patricio-plebeian, but the six patrician, centuries at 1800 men; and this has been manifestly followed by Livy, i. 36 (according to the reading which alone has manuscript authority, and which ought not to be corrected from Livy's particular estimates), and by Cicero *l. c.* (according to the only reading grammatically admissible, MDCCC.; see Becker, ii. 1, 244). But Cicero at the same time indicates very plainly, that in that statement he intended to describe the then existing amount of the Roman equites in general. The number of the whole body has therefore been transferred to the most prominent portion of it by a prolepsis, such as is common in the case of the old annalists not too much given to reflection:

disposed of likewise by the censors. It was, no doubt, the duty of these to select the equites on military grounds and at their musters to insist that all horsemen incapacitated by age or otherwise, or at all unserviceable, should surrender their public horse; but the very nature of the institution implied that the equestrian horses should be given especially to men of means, and it was not at all easy to hinder the censors from looking to genteel birth more than to capacity, and from allowing men of standing who were once admitted, senators particularly, to retain their horse beyond the proper time. Perhaps it was even fixed by law that the senator might retain it as long as he wished. Accordingly it became at least practically the rule for the senators to vote in the eighteen equestrian centuries, and the other places in these were assigned chiefly to the young men of the nobility. The military system, of course, suffered from this not so much through the unfitness for effective service of no small part of the legionary cavalry, as through the destruction of military equality to which the change gave rise, inasmuch as the young men of rank more and more withdrew from

just in the same way 300 equites instead of 100 are assigned to the parent-community, including, by anticipation, the contingents of the Tities and the Luceres (Becker, ii. 1, 238). Lastly, the proposition of Cato (p. 66, Jordan), to raise the number of the horses of the equites to 2200, is as distinct a confirmation of the view proposed above, as it is a distinct refutation of the opposite view. The closed number of the equites probably continued to subsist down to Sulla's time, when with the *de facto* abeyance of the censorship the basis of it fell away, and to all appearance in place of the censorial bestowal of the equestrian horse came its acquisition by hereditary right; thenceforth the senator's son was by birth an *eques*. Alongside, however, of this closed equestrian body, the *equites equo publico*, stood from an early period of the republic the burgesses bound to render mounted service on their own horses, who are nothing but the highest class of the census; they do not vote in the equestrian centuries, but are regarded otherwise as equites, and lay claim likewise to the honorary privileges of the equestrian order.

In the arrangement of Augustus the senatorial houses retained the hereditary equestrian right; but by its side the censorial bestowal of the equestrian horse is renewed as a prerogative of the emperor and without restriction to a definite time, and thereby the designation of equites for the first class of the census as such falls into abeyance.

service in the infantry. The closed aristocratic corps of the equites proper came to set the tone for the whole legionary cavalry, taken from the citizens who were of highest position by descent and wealth. This enables us in some degree to understand why the equites during the Sicilian war refused to obey the order of the consul Gaius Aurelius Cotta that they should work at the trenches with
252. the legionaries (502), and why Cato, when commander-in-chief of the army in Spain, found himself under the necessity of addressing a severe reprimand to his cavalry. But this conversion of the burgess-cavalry into a mounted guard of nobles redounded not more decidedly to the injury of the commonwealth than to the advantage of the nobility, which acquired in the eighteen equestrian centuries a suffrage not merely separate but giving the tone to the rest.

Separation of the orders in the theatre.

Of a kindred character was the formal separation of the places assigned to the senatorial order from those occupied by the rest of the multitude as spectators at the national festivals. It was the great Scipio, who effected this change
194. in his second consulship in 560. The national festival was as much an assembly of the people as were the centuries convoked for voting; and the circumstance that the former had no resolutions to pass made the official announcement of a distinction between the ruling order and the body of subjects—which the separation implied—all the more significant. The innovation accordingly met with much censure even from the ruling class, because it was simply invidious and not useful, and because it gave a very manifest contradiction to the efforts of the more prudent portion of the aristocracy to conceal their exclusive government under the forms of civil equality.

The censorship a prop of the nobility.

These circumstances explain, why the censorship became the pivot of the later republican constitution; why an office, originally standing by no means in the first rank,

came to be gradually invested with external insignia which did not at all belong to it in itself and with an altogether unique aristocratic-republican glory, and was viewed as the crown and completion of a well-conducted public career; and why the government looked upon every attempt of the opposition to introduce their men into this office, or even to hold the censor responsible to the people for his administration during or after his term of office, as an attack on their palladium, and presented a united front of resistance to every such attempt. It is sufficient in this respect to mention the storm which the candidature of Cato for the censorship provoked, and the measures, so extraordinarily reckless and in violation of all form, by which the senate prevented the judicial prosecution of the two unpopular censors of the year 550. But with 204.
their magnifying the glory of the censorship the government combined a characteristic distrust of this, their most important and for that very reason most dangerous, instrument. It was thoroughly necessary to leave to the censors absolute control over the personal composition of the senate and the equites; for the right of exclusion could not well be separated from the right of summoning, and it was indispensable to retain such a right, not so much for the purpose of removing from the senate capable men of the opposition—a course which the smooth-going government of that age cautiously avoided—as for the purpose of preserving around the aristocracy that moral halo, without which it must have speedily become a prey to the opposition. The right of ejection was retained; but what they chiefly needed was the glitter of the naked blade—the edge of it, which they feared, they took care to blunt. Besides the check involved in the nature of the office—under which the lists of the members of the aristocratic corporations were liable to revision only at intervals of five years—and besides the limitations resulting

from the right of veto vested in the colleague and the right of cancelling vested in the successor, there was added a farther check which exercised a very sensible influence; a usage equivalent to law made it the duty of the censor not to erase from the list any senator or knight without specifying in writing the grounds for his decision, or, in other words, adopting, as a rule, a quasi-judicial procedure.

Remodelling of the constitution according to the views of the nobility.

In this political position—mainly based on the senate, the equites, and the censorship—the nobility not only usurped in substance the government, but also remodelled the constitution according to their own views. It was part of their policy, with a view to keep up the appreciation of the public magistracies, to add to the number of these as little as possible, and to keep it far below what was required by the extension of territory and the increase of business. Only the most urgent exigencies were barely met by the division of the judicial functions hitherto discharged by a single praetor between two judges—one of whom tried the lawsuits between Roman burgesses, and the other those that arose between non-burgesses or between burgess and non-burgess—in 511, and by the nomination of four auxiliary consuls for the four transmarine provinces of Sicily (527), Sardinia including Corsica (527), and Hither and Further Spain (557). The far too summary mode of initiating processes in Rome, as well as the increasing influence of the official staff, are doubtless traceable in great measure to the practically inadequate numbers of the Roman magistracy.

Inadequate number of magistrates.

243.

227.

227. 197.

Election of officers in the comitia.

Among the innovations originated by the government—which were none the less innovations, that almost uniformly they changed not the letter, but merely the practice of the existing constitution—the most prominent were the measures by which the filling up of officers' posts as well as of civil magistracies was made to depend not, as the letter

of the constitution allowed and its spirit required, simply on merit and ability, but more and more on birth and seniority. As regards the nomination of staff-officers this was done not in form, but all the more in substance. It had already, in the course of the previous period, been in great part transferred from the general to the burgesses (i. 397); in this period came the further step, that the whole staff-officers of the regular yearly levy—the twenty-four military tribunes of the four ordinary legions—were nominated in the *comitia tributa*. Thus a line of demarcation more and more insurmountable was drawn between the subalterns, who gained their promotion from the general by punctual and brave service, and the staff, which obtained its privileged position by canvassing the burgesses (ii. 73). With a view to check simply the worst abuses in this respect and to prevent young men quite untried from holding these important posts, it became necessary to require, as a preliminary to the bestowal of staff appointments, evidence of a certain number of years of service. Nevertheless, when once the military tribunate, the true pillar of the Roman military system, was laid down as the first stepping-stone in the political career of the young aristocrats, the obligation of service inevitably came to be frequently eluded, and the election of officers became liable to all the evils of democratic canvassing and of aristocratic exclusiveness. It was a cutting commentary on the new institution, that in serious wars (as in 583) it was found necessary to suspend this democratic mode of electing officers, and to leave once more to the general the nomination of his staff. 171.

Restrictions on the election of consuls and censors.

In the case of civil offices, the first and chief object was to limit re-election to the supreme magistracies. This was certainly necessary, if the presidency of annual kings was not to be an empty name; and even in the preceding period re-election to the consulship was not permitted till after the

lapse of ten years, while in the case of the censorship it was altogether forbidden (i. 402). No farther law was passed in the period before us; but an increased stringency in its application is obvious from the fact that, while the law as to
217. the ten years' interval was suspended in 537 during the continuance of the war in Italy, there was no farther dispensation from it afterwards, and indeed towards the close of this period re-election seldom occurred at all. Moreover,
180. towards the end of this epoch (574) a decree of the people was issued, binding the candidates for public magistracies to undertake them in a fixed order of succession, and to observe certain intervals between the offices, and certain limits of age. Custom, indeed, had long prescribed both of these; but it was a sensibly felt restriction of the freedom of election, when the customary qualification was raised into a legal requirement, and the right of disregarding such requirements in extraordinary cases was withdrawn from the elective body. In general, admission to the senate was thrown open to persons belonging to the ruling families without distinction as to ability, while not only were the poorer and humbler ranks of the population utterly precluded from access to the offices of government, but all Roman burgesses not belonging to the hereditary aristocracy were practically excluded, not indeed exactly from the senate, but from the two highest magistracies, the consulship and the censorship. After Manius Curius and Gaius Fabricius (i. 394), no instance can be pointed out of a consul who did not belong to the social aristocracy, and probably no instance of the kind occurred at all. But the number of the *gentes*, which appear for the first time in the lists of consuls and censors in the half-century from the beginning of the war with Hannibal to the close of that with Perseus, is extremely limited; and by far the most of these, such as the Flaminii, Terentii, Porcii, Acilii, and Laelii, may be referred to elections by the opposition, or are traceable to

special aristocratic connections. The election of Gaius Laelius in 564, for instance, was evidently due to the Scipios. 190.
The exclusion of the poorer classes from the government was, no doubt, required by the altered circumstances of the case. Now that Rome had ceased to be a purely Italian state and had adopted Hellenic culture, it was no longer possible to take a small farmer from the plough and to set him at the head of the community. But it was neither necessary nor beneficial that the elections should almost without exception be confined to the narrow circle of the curule houses, and that a "new man" could only make his way into that circle by a sort of usurpation.[1] No doubt a

[1] The stability of the Roman nobility may be clearly traced, more especially in the case of the patrician *gentes*, by means of the consular and aedilician Fasti. As is well known, the consulate was held by one patrician and one plebeian in each year from 388 to 581 (with the 366-178.
exception of the years 399, 400, 401, 403, 405, 409, 411, in which both consuls were patricians). Moreover, the colleges of curule aediles were composed exclusively of patricians in the odd years of the Varronian reckoning, at least down to the close of the sixth century, and they are known for the sixteen years 541, 545, 547, 549, 551, 553, 555, 557, 561, 565, 567, 575, 585, 589, 591, 593. These patrician consuls and aediles are, as respects their *gentes*, distributed as follows:—

	Consuls. 388-500.	Consuls. 501-581.	Curule aediles of those 16 patrician colleges.
Cornelii	15	15	14
Valerii	10	8	4
Claudii	4	8	2
Aemilii	9	6	2
Fabii	6	6	1
Manlii	4	6	1
Postumii	2	6	2
Servilii	3	4	2
Quinctii	2	3	1
Furii	2	3	—
Sulpicii	6	2	2
Veturii	—	2	—
Papirii	3	1	—
Nautii	2	—	—
Julii	1	—	1
Foslii	1	—	—
	70	70	32

Thus the fifteen or sixteen houses of the high nobility, that were powerful in the state at the time of the Licinian laws, maintained their

certain hereditary character was inherent not merely in the nature of the senate as an institution, in so far as it rested from the outset on a representation of the clans (i. 97), but in the nature of aristocracy generally, in so far as statesmanly wisdom and statesmanly experience are bequeathed from the able father to the able son, and the inspiring spirit of an illustrious ancestry fans every noble spark within the human breast into speedier and more brilliant flame. In this sense the Roman aristocracy had been at all times hereditary; in fact, it had displayed its hereditary character with great naïveté in the old custom of the senator taking his sons with him to the senate, and of the public magistrate decorating his sons, as it were by anticipation, with the insignia of the highest official honour—the purple border of the consular, and the golden amulet-case of the triumphator. But, while in the earlier period the hereditariness of the outward dignity had been to a certain extent conditioned by the inheritance of intrinsic worth, and the senatorial aristocracy had guided the state not primarily by virtue of hereditary right, but by virtue of the highest of all rights of representation—the right of the excellent, as contrasted with the ordinary, man—it sank in this epoch (and with specially great rapidity after the end of the Hannibalic war) from its original high position, as the aggregate of those in the community who were most experienced in counsel and action, down to an order of lords filling up its ranks by hereditary succession, and exercising collegiate misrule.

Family government.

Indeed, matters had already at this time reached such a height, that out of the grave evil of oligarchy there emerged the still worse evil of usurpation of power by particular

ground without material change in their relative numbers—which no doubt were partly kept up by adoption—for the next two centuries, and indeed down to the end of the republic. To the circle of the plebeian nobility new *gentes* doubtless were from time to time added; but the old plebeian houses, such as the Licinii, Fulvii, Atilii, Domitii, Marcii, Junii, predominate very decidedly in the Fasti throughout three centuries.

families. We have already spoken (ii. 484) of the offensive family-policy of the conqueror of Zama, and of his unhappily successful efforts to cover with his own laurels the incapacity and pitifulness of his brother; and the nepotism of the Flaminini was, if possible, still more shameless and scandalous than that of the Scipios. Absolute freedom of election in fact turned to the advantage of such coteries far more than of the electing body. The election of Marcus Valerius Corvus to the consulship at twenty-three had doubtless been for the benefit of the state; but now, when Scipio obtained the aedileship at twenty-three and the consulate at thirty, and Flamininus, while not yet thirty years of age, rose from the quaestorship to the consulship, such proceedings involved serious danger to the republic. Things had already reached such a pass, that the only effective barrier against family rule and its consequences had to be found in a government strictly oligarchical; and this was the reason why even the party otherwise opposed to the oligarchy agreed to restrict the freedom of election.

Government of the nobility.

The government bore the stamp of this gradual change in the spirit of the governing class. It is true that the administration of external affairs was still dominated at this epoch by that consistency and energy, by which the rule of the Roman community over Italy had been established. During the severe disciplinary times of the war as to Sicily the Roman aristocracy had gradually raised itself to the height of its new position; and if it unconstitutionally usurped for the senate functions of government which by right fell to be shared between the magistrates and the comitia alone, it vindicated the step by its certainly far from brilliant, but sure and steady, pilotage of the vessel of the state during the Hannibalic storm and the complications thence arising, and showed to the world that the Roman senate was alone able, and in many respects alone deserved, to rule the wide circle of the

Internal administration.

Italo-Hellenic states. But admitting the noble attitude of the ruling Roman senate in opposition to the outward foe —an attitude crowned with the noblest results—we may not overlook the fact, that in the less conspicuous, and yet far more important and far more difficult, administration of the internal affairs of the state, both the treatment of the existing arrangements and the new institutions betray an almost opposite spirit, or, to speak more correctly, indicate that the opposite tendency has already acquired the predominance in this field.

Decline in the administration.

In relation, first of all, to the individual burgess the government was no longer what it had been. The term "magistrate" meant a man who was more than other men; and, if he was the servant of the community, he was for that very reason the master of every burgess. But the tightness of the rein was now visibly relaxed. Where coteries and canvassing flourish as they did in the Rome of that age, men are chary of forfeiting the reciprocal services of their fellows or the favour of the multitude by stern words and impartial discharge of official duty. If now and then magistrates appeared who displayed the gravity and the sternness of the olden time, they were
252. ordinarily, like Cotta (502) and Cato, new men who had not sprung from the bosom of the ruling class. It was already something singular, when Paullus, who had been named commander-in-chief against Perseus, instead of tendering his thanks in the usual manner to the burgesses, declared to them that he presumed they had chosen him as general because they accounted him the most capable of command, and requested them accordingly not to help him to command, but to be silent and obey.

As to military discipline and administration of justice.

The supremacy and hegemony of Rome in the territories of the Mediterranean rested not least on the strictness of her military discipline and her administration of justice. Undoubtedly she was still, on the whole, at that

time infinitely superior in these respects to the Hellenic, Phoenician, and Oriental states, which were without exception thoroughly disorganized; nevertheless grave abuses were already occurring in Rome. We have previously (ii. 501 *f.*) pointed out how the wretched character of the commanders-in-chief—and that not merely in the case of demagogues chosen perhaps by the opposition, like Gaius Flaminius and Gaius Varro, but of men who were good aristocrats—had already in the third Macedonian war imperilled the weal of the state. And the mode in which justice was occasionally administered is shown by the scene in the camp of the consul Lucius Quinctius Flamininus at Placentia (562). To compensate a favourite 192.
youth for the gladiatorial games of the capital, which through his attendance on the consul he had missed the opportunity of seeing, that great lord had ordered a Boian of rank who had taken refuge in the Roman camp to be summoned, and had killed him at a banquet with his own hand. Still worse than the occurrence itself, to which various parallels might be adduced, was the fact that the perpetrator was not brought to trial; and not only so, but when the censor Cato on account of it erased his name from the roll of the senate, his fellow-senators invited the expelled to resume his senatorial stall in the theatre—he was, no doubt, the brother of the liberator of the Greeks, and one of the most powerful coterie-leaders in the senate.

As to the management of the finances.

The financial system of the Roman community also retrograded rather than advanced during this epoch. The amount of their revenues, indeed, was visibly on the increase. The indirect taxes—there were no direct taxes in Rome—increased in consequence of the enlargement of the Roman territory, which rendered it necessary, for example, to institute new customs-offices along the Campanian and Bruttian coasts at Puteoli, Castra (Squillace), and elsewhere, in 555 and 575. The same reason led to 199. 179

204. the new salt-tariff of 550 fixing the scale of prices at which salt was to be sold in the different districts of Italy, as it was no longer possible to furnish salt at one and the same price to the Roman burgesses now scattered throughout the land; but, as the Roman government probably supplied the burgesses with salt at cost price, if not below it, this financial measure yielded no gain to the state. Still more considerable was the increase in the produce of the domains. The duty indeed, which of right was payable to the treasury from the Italian domain-lands granted for occupation, was in the great majority of cases neither demanded nor paid. On the other hand the *scriptura* was retained; and not only so, but the domains recently acquired in the second Punic war, particularly the greater portion of the territory of Capua (ii. 365) and that of Leontini (ii. 313), instead of being given up to occupation, were parcelled out and let to petty temporary lessees, and the attempts at occupation made in these cases were opposed with more than usual energy by the government; by which means the state acquired a considerable and secure source of income. The mines of the state also, particularly the important Spanish mines, were turned to profit on lease. Lastly, the revenue was augmented by the tribute of the transmarine subjects. From extraordinary sources very considerable sums accrued during this epoch to the state treasury, particularly the produce of the spoil in the war with Antiochus, 200 millions of sesterces (£2,000,000), and that of the war with Perseus, 210 millions of sesterces (£2,100,000)—the latter, the largest sum in cash which ever came at one time into the Roman treasury.

But this increase of revenue was for the most part counterbalanced by the increasing expenditure. The provinces, Sicily perhaps excepted, probably cost nearly as much as they yielded; the expenditure on highways and

other structures rose in proportion to the extension of territory; the repayment also of the advances (*tributa*) received from the freeholder burgesses during times of severe war formed a burden for many a year afterwards on the Roman treasury. To these fell to be added very considerable losses occasioned to the revenue by the mismanagement, negligence, or connivance of the supreme magistrates. Of the conduct of the officials in the provinces, of their luxurious living at the expense of the public purse, of their embezzlement more especially of the spoil, of the incipient system of bribery and extortion, we shall speak in the sequel. How the state fared generally as regarded the farming of its revenues and the contracts for supplies and buildings, may be estimated from the circumstance, that the senate resolved in 587 to desist from the working of the 167.
Macedonian mines that had fallen to Rome, because the lessees of the minerals would either plunder the subjects or cheat the exchequer—truly a naïve confession of impotence, in which the controlling board pronounced its own censure. Not only was the duty from the occupied domain-land allowed tacitly to fall into abeyance, as has been already mentioned, but private buildings in the capital and elsewhere were suffered to encroach on ground which was public property, and the water from the public aqueducts was diverted to private purposes: great dissatisfaction was created on one occasion when a censor took serious steps against such trespassers, and compelled them either to desist from the separate use of the public property, or to pay the legal rate for the ground and water. The conscience of the Romans, otherwise in economic matters so scrupulous, showed, so far as the community was concerned, a remarkable laxity. "He who steals from a burgess," said Cato, "ends his days in chains and fetters; but he who steals from the community ends them in gold and purple." If, notwithstanding the fact that the public property of the

Roman community was fearlessly and with impunity plundered by officials and speculators, Polybius still lays stress on the rarity of embezzlement in Rome, while Greece could hardly produce a single official who had not touched the public money, and on the honesty with which a Roman commissioner or magistrate would upon his simple word of honour administer enormous sums, while in the case of the paltriest sum in Greece ten letters were sealed and twenty witnesses were required and yet everybody cheated, this merely implies that social and economic demoralization had advanced much further in Greece than in Rome, and in particular, that direct and palpable peculation was not as yet so flourishing in the one case as in the other. The general financial result is most clearly exhibited to us by the state of the public buildings, and by the amount of cash in the treasury. We find in times of peace a fifth, in times of war a tenth, of the revenues expended on public buildings; which, in the circumstances, does not seem to have been a very copious outlay. With these sums, as well as with fines which were not directly payable into the treasury, much was doubtless done for the repair of the highways in and near the capital, for the formation of the chief Italian roads,[1] and for the construction of public buildings. Perhaps the most important of the building operations in the capital, known to belong to this period, was the great repair and extension of the network of sewers throughout the city,
184. contracted for probably in 570, for which 24,000,000 sesterces (£240,000) were set apart at once, and to which it may be presumed that the portions of the *cloacae* still extant, at least in the main, belong. To all appearance however, even apart from the severe pressure of war, this period

[1] The expenses of these were, however, probably thrown in great part on the adjoining inhabitants. The old system of making requisitions of task-work was not abolished: it must not unfrequently have happened that the slaves of the landholders were called away to be employed in the construction of roads. (Cato, *de R. R.* 2.)

was inferior to the last section of the preceding epoch in respect of public buildings; between 482 and 607 no new aqueduct was constructed at Rome. The treasure of the state, no doubt, increased; the last reserve in 545, when they found themselves under the necessity of laying hands on it, amounted only to £164,000 (4000 pounds of gold; ii. 344), whereas a short time after the close of this period (597) close on £860,000 in precious metals were stored in the treasury. But, when we take into account the enormous extraordinary revenues which in the generation after the close of the Hannibalic war came into the Roman treasury, the latter sum surprises us rather by its smallness than by its magnitude. So far as with the extremely meagre statements before us it is allowable to speak of results, the finances of the Roman state exhibit doubtless an excess of income over expenditure, but are far from presenting a brilliant result as a whole.

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Italian subjects.

The change in the spirit of the government was most distinctly apparent in the treatment of the Italian and extra-Italian subjects of the Roman community. Formerly there had been distinguished in Italy the ordinary, and the Latin, allied communities, the Roman burgesses *sine suffragio*, and the Roman burgesses with the full franchise. Of these four classes the third was in the course of this period almost completely set aside, inasmuch as the course which had been earlier taken with the communities of passive burgesses in Latium and Sabina, was now applied also to those of the former Volscian territory, and these gradually—the last perhaps being in the year 566 Arpinum, Fundi, and Formiae—obtained full burgess-rights. In Campania Capua along with a number of minor communities in the neighbourhood was broken up in consequence of its revolt from Rome in the Hannibalic war. Although some few communities, such as Velitrae in the Volscian territory, Teanum and Cumae in Campania, may have re-

Passive burgesses.

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mained on their earlier legal footing, yet, looking at the matter in the main, this franchise of a passive character may be held as now superseded.

Deditícii. On the other hand there emerged a new class in a position of peculiar inferiority, without communal freedom and the right to carry arms, and, in part, treated almost like public slaves (*peregrini deditícii*); to which, in particular, the members of the former Campanian, southern Picentine, and Bruttian communities, that had been in alliance with Hannibal (ii. 365), belonged. To these were added the Celtic tribes tolerated on the south side of the Alps, whose position in relation to the Italian confederacy is indeed only known imperfectly, but is sufficiently characterized as inferior by the clause embodied in their treaties of alliance with Rome, that no member of these communities should ever be allowed to acquire Roman citizenship (ii. 370).

Allies. The position of the non-Latin allies had, as we have mentioned before (ii. 366), undergone a change greatly to their disadvantage in consequence of the Hannibalic war. Only a few communities in this category, such as Neapolis, Nola, Rhegium, and Heraclea, had during all the vicissitudes of that war remained steadfastly on the Roman side, and therefore retained their former rights as allies unaltered; by far the greater portion were obliged in consequence of having changed sides to acquiesce in a revision of the existing treaties to their disadvantage. The reduced position of the non-Latin allies is attested by the emigration from
177. their communities into the Latin: when in 577 the Samnites and Paelignians applied to the senate for a reduction of their contingents, their request was based on the ground that during late years 4000 Samnite and Paelignian families had migrated to the Latin colony of Fregellae.

Latins. That the Latins—which term now denoted the few towns in old Latium that were not included in the Roman burgess-

union, such as Tibur and Praeneste, the allied cities placed in law on the same footing with them, such as several of the Hernican towns, and the Latin colonies dispersed throughout Italy—were still at this time in a better position, is implied in their very name; but they too had, in proportion, hardly less deteriorated. The burdens imposed on them were unjustly increased, and the pressure of military service was more and more devolved from the burgesses upon them and the other Italian allies. For instance, in 536, nearly twice as many of the allies were called out as of the burgesses: after the end of the Hannibalic war all the burgesses received their discharge, but not all the allies; the latter were chiefly employed for garrison duty and for the odious service in Spain; in the triumphal largess of 577 the allies received not as formerly an equal share with the burgesses, but only the half, so that amidst the unrestrained rejoicing of that soldiers' carnival the divisions thus treated as inferior followed the chariot of victory in sullen silence: in the assignations of land in northern Italy the burgesses received ten *jugera* of arable land each, the non-burgesses three *jugera* each. The unlimited liberty of migration had already at an earlier period been taken from the Latin communities, and migration to Rome was only allowed to them in the event of their leaving behind children of their own and a portion of their estate in the community which had been their home (ii. 52). But these burdensome requirements were in various ways evaded or transgressed; and the crowding of the burgesses of Latin townships to Rome, and the complaints of their magistrates as to the increasing depopulation of the cities and the impossibility under such circumstances of furnishing the fixed contingent, led the Roman government to institute police-ejections from the capital on a large scale (567, 577). The measure might be unavoidable, but it was none the less severely felt. Moreover, the towns laid out by Rome in the interior of Italy began towards the close of

218. 177. 187, 177.

this period to receive instead of Latin rights the full franchise, which previously had only been given to the maritime colonies; and the enlargement of the Latin body by the accession of new communities, which hitherto had gone on so regularly, thus came to an end. Aquileia,
183. the establishment of which began in 571, was the latest of the Italian colonies of Rome that received Latin rights; the full franchise was given to the colonies, sent forth nearly at the same time, of Potentia, Pisaurum, Mutina, Parma,
184-177. and Luna (570–577). The reason for this evidently lay in the decline of the Latin as compared with the Roman franchise. The colonists conducted to the new settlements were always, and now more than ever, chosen in preponderating number from the Roman burgesses; and even among the poorer portion of these there was a lack of people willing, for the sake even of acquiring considerable material advantages, to exchange their rights as burgesses for those of the Latin franchise.

Roman franchise more difficult of acquisition.

Lastly, in the case of non-burgesses—communities as well as individuals—admission to the Roman franchise was almost completely foreclosed. The earlier course of incorporating the subject communities in that of Rome
350. had been dropped about 400, that the Roman burgess body might not be too much decentralized by its undue extension; and therefore communities of half-burgesses were instituted (ii. 53). Now the centralization of the community was abandoned, partly through the admission of the half-burgess communities to the full franchise, partly through the accession of numerous more remote burgess-colonies to its ranks; but the older system of incorporation was not resumed with reference to the allied communities. It cannot be shown that after the complete subjugation of Italy even a single Italian community exchanged its position as an ally for the Roman franchise; probably none after that date in reality acquired it. Even the transition of in-

dividual Italians to the Roman franchise was confined almost solely to the case of magistrates of the Latin communities (ii. 52) and, by special favour, of individual non-burgesses admitted to share it at the founding of burgess-colonies.[1]

It cannot be denied that these changes *de facto* and *de jure* in the relations of the Italian subjects exhibit at least an intimate connection and consistency. The situation of the subject classes was throughout deteriorated in proportion to the gradations previously subsisting, and, while the government had formerly endeavoured to soften the distinctions and to provide means of transition from one to another, now the intermediate links were everywhere set aside and the connecting bridges were broken down. As within the Roman burgess-body the ruling class separated itself from the people, uniformly withdrew from public burdens, and uniformly took for itself the honours and advantages, so the burgesses in their turn asserted their distinction from the Italian confederacy, and excluded it more and more from the joint enjoyment of rule, while transferring to it a double or triple share in the common burdens. As the nobility, in relation to the plebeians, returned to the close exclusiveness of the declining patriciate, so did the burgesses in relation to the non-burgesses; the plebeiate, which had become great through the liberality of its institutions, now wrapped itself up in the rigid maxims of patricianism. The abolition of the passive burgesses cannot in itself be censured, and, so far as concerned the

[1] Thus, as is well known, Ennius of Rudiae received burgess-rights from one of the triumvirs, Q. Fulvius Nobilior, on occasion of the founding of the burgess-colonies of Potentia and Pisaurum (Cic. *Brut.* 20, 79); whereupon, according to the well-known custom, he adopted the *praenomen* of the latter. The non-burgesses who were sent to share in the foundation of a burgess-colony, did not, at least in this epoch, thereby acquire *de jure* Roman citizenship, although they frequently usurped it (Liv. xxxiv. 42); but the magistrates charged with the founding of a colony were empowered, by a clause in the decree of the people relative to each case, to confer burgess-rights on a limited number of persons (Cic. *pro Balb.* 21, 48).

motive which led to it, belongs presumably to another connection to be discussed afterwards; but through its abolition an intermediate link was lost. Far more fraught with peril, however, was the disappearance of the distinction between the Latin and the other Italian communities. The privileged position of the Latin nation within Italy was the foundation of the Roman power; that foundation gave way, when the Latin towns began to feel that they were no longer privileged partakers in the dominion of the powerful cognate community, but substantially subjects of Rome like the rest, and when all the Italians began to find their position equally intolerable. It is true, that there were still distinctions: the Bruttians and their companions in misery were already treated exactly like slaves and conducted themselves accordingly, deserting, for instance, from the fleet in which they served as galley-slaves, whenever they could, and gladly taking service against Rome; and the Celtic, and above all the transmarine, subjects formed by the side of the Italians a class still more oppressed and intentionally abandoned by the government to contempt and maltreatment at the hands of the Italians. But such distinctions, while implying a gradation of classes among the subjects, could not withal afford even a remote compensation for the earlier contrast between the cognate, and the alien, Italian subjects. A profound dissatisfaction prevailed through the whole Italian confederacy, and fear alone prevented it from finding loud expression. The proposal made in the senate after the battle at Cannae, to give the Roman franchise and a seat in the senate to two men from each Latin community, was made at an unseasonable time, and was rightly rejected; but it shows the apprehension with which men in the ruling community even then viewed the relations between Latium and Rome. Had a second Hannibal now carried the war to Italy, it may be doubted whether he would have again been thwarted

by the steadfast resistance of the Latin name to a foreign domination.

The provinces.

But by far the most important institution which this epoch introduced into the Roman commonwealth, and that at the same time which involved the most decided and fatal deviation from the course hitherto pursued, was the new provincial magistracies. The earlier state-law of Rome knew nothing of tributary subjects: the conquered communities were either sold into slavery, or merged in the Roman commonwealth, or lastly, admitted to an alliance which secured to them at least communal independence and freedom from taxation. But the Carthaginian possessions in Sicily, Sardinia, and Spain, as well as the kingdom of Hiero, had paid tribute and rent to their former masters: if Rome was desirous of retaining these possessions at all, it was in the judgment of the short-sighted the most judicious, and undoubtedly the most convenient, course to administer the new territories entirely in accordance with the rules heretofore observed. Accordingly the Romans simply retained the Carthagino-Hieronic provincial constitution, and organized in accordance with it those provinces also, such as Hither Spain, which they wrested from the barbarians. It was the shirt of Nessus which they inherited from the enemy. Beyond doubt at first the Roman government intended, in imposing taxes on their subjects, not strictly to enrich themselves, but only to cover the cost of administration and defence; but they already deviated from this course, when they made Macedonia and Illyria tributary without undertaking the government or the guardianship of the frontier there. The fact, however, that they still maintained moderation in the imposition of burdens was of little consequence, as compared with the conversion of their sovereignty into a right yielding profit at all; the fall was the same, whether a single apple was taken or the tree was plundered.

Position of the governors.

Punishment followed in the steps of wrong. The new provincial system necessitated the appointment of governors, whose position was absolutely incompatible not only with the welfare of the provinces, but with the Roman constitution. As the Roman community in the provinces took the place of the former ruler of the land, so their governor appeared there in the king's stead; the Sicilian praetor, for example, resided in the palace of Hiero at Syracuse. It is true, that by right the governor nevertheless ought to administer his office with republican honesty and frugality. Cato, when governor of Sardinia, appeared in the towns subject to him on foot and attended by a single servant, who carried his coat and sacrificial ladle; and, when he returned home from his Spanish governorship, he sold his war-horse beforehand, because he did not hold himself entitled to charge the state with the expenses of its transport. There is no question that the Roman governors —although certainly but few of them pushed their conscientiousness, like Cato, to the verge of being niggardly and ridiculous—made in many cases a powerful impression on the subjects, more especially on the frivolous and unstable Greeks, by their old-fashioned piety, by the reverential stillness prevailing at their repasts, by their comparatively upright administration of office and of justice, especially by their proper severity towards the worst bloodsuckers of the provincials—the Roman revenue-farmers and bankers—and in general by the gravity and dignity of their deportment. The provincials found their government comparatively tolerable. They had not been pampered by their Carthaginian stewards and Syracusan masters, and they were soon to find occasion for recalling with gratitude the present rods as compared with the coming scorpions: it is easy to understand how, in later times, the sixth century of the city appeared as the golden era of provincial rule. But it was not practicable for any

length of time to be at once republican and king. Playing the part of governors demoralized the Roman ruling class with fearful rapidity. Haughtiness and arrogance towards the provincials were so natural in the circumstances, as scarcely to form matter of reproach against the individual magistrate. But already it was a rare thing—and the rarer, because the government adhered rigidly to the old principle of not paying public officials—that a governor returned with quite clean hands from his province; it was already remarked upon as something singular that Paullus, the conqueror of Pydna, did not take money. The bad custom of delivering to the governor "honorary wine" and other "voluntary" gifts seems as old as the provincial constitution itself, and may perhaps have been a legacy from the Carthaginians; even Cato in his administration of Sardinia in 556 had to content himself with regulating and 198.
moderating such contributions. The right of the magistrates, and of those travelling on the business of the state generally, to free quarters and free conveyance was already employed as a pretext for exactions. The more important right of the magistrate to make requisitions of grain in his province—partly for the maintenance of himself and his retinue (*in cellam*), partly for the provisioning of the army in case of war, or on other special occasions at a fair valuation—was already so scandalously abused, that on the complaint of the Spaniards the senate in 583 found it necessary to 171.
withdraw from the governors the right of fixing the price of the supplies for either purpose (ii. 393). Requisitions had begun to be made on the subjects even for the popular festivals in Rome; the unmeasured vexatious demands made on the Italian as well as extra-Italian communities by the aedile Tiberius Sempronius Gracchus, for the festival which he had to provide, induced the senate officially to interfere against them (572). The liberties 182.
which Roman magistrates at the close of this period

allowed themselves to take not only with the unhappy subjects, but even with the dependent free-states and kingdoms, are illustrated by the raids of Gaius Volso in Asia Minor (ii. 471), and above all by the scandalous proceedings in Greece during the war with Perseus (ii. 500 *f.*).

Control over the governors.

The government had no right to be surprised at such things, for it provided no serious check on the excesses of this capricious military administration. Judicial control, it is true, was not entirely wanting. Although, according to the universal but more than questionable rule of allowing no complaint to be brought against a commander-in-chief during his term of office (i. 319), the Roman governor could ordinarily be called to account only after the mischief had been done, yet he was amenable both to a criminal and to a civil prosecution. In order to the institution of the former, a tribune of the people by virtue of the judicial power pertaining to him had to take the case in hand and bring it to the bar of the people; the civil action was remitted by the senator who administered the corresponding praetorship to a jury appointed, according to the constitution of the tribunal in those times, from the ranks of the senate. In both cases, therefore, the control lay in the hands of the ruling class, and, although the latter was still sufficiently upright and honourable not absolutely to set aside well-founded complaints, and the senate even in various instances, at the call of those aggrieved, condescended itself to order the institution of a civil process, yet the complaints of poor men and foreigners against powerful members of the ruling aristocracy—submitted to judges and jurymen far remote from the scene and, if not involved in the like guilt, at least belonging to the same order as the accused—could from the first only reckon on success in the event of the wrong being clear and crying; and to complain in vain was

almost certain destruction. The aggrieved no doubt found a sort of support in the hereditary relations of clientship, which the subject cities and provinces entered into with their conquerors and other Romans brought into close contact with them. The Spanish governors felt that no one could with impunity maltreat clients of Cato; and the circumstance that the representatives of the three nations conquered by Paullus—the Spaniards, Ligurians, and Macedonians—would not forgo the privilege of carrying his bier to the funeral pile, was the noblest dirge in honour of that noble man. But not only did this special protection give the Greeks opportunity to display in Rome all their talent for abasing themselves in presence of their masters, and to demoralize even those masters by their ready servility—the decrees of the Syracusans in honour of Marcellus, after he had destroyed and plundered their city and they had complained of his conduct in these respects to the senate in vain, form one of the most scandalous pages in the far from honourable annals of Syracuse—but, in connection with the already dangerous family-politics, this patronage on the part of great houses had also its politically perilous side. In this way the result perhaps was that the Roman magistrates in some degree feared the gods and the senate, and for the most part were moderate in their plundering; but they plundered withal, and did so with impunity, if they but observed such moderation. The mischievous rule became established, that in the case of minor exactions and moderate violence the Roman magistrate acted in some measure within his sphere and was in law exempt from punishment, so that those who were aggrieved had to keep silence; and from this rule succeeding ages did not fail to draw the fatal consequences.

Nevertheless, even though the tribunals had been as strict as they were lax, the liability to a judicial reckoning could only check the worst evils. The true security for a

Supervision of the senate over the provinces and their governors.

good administration lay in a strict and uniform supervision by the supreme administrative authority: and this the senate utterly failed to provide. It was in this respect that the laxity and helplessness of the collegiate government became earliest apparent. By right the governors ought to have been subjected to an oversight far more strict and more special than had sufficed for the administration of Italian municipal affairs; and now, when the empire embraced great transmarine territories, the arrangements, through which the government preserved to itself the supervision of the whole, ought to have undergone a corresponding expansion. In both respects the reverse was the case. The governors ruled virtually as sovereign; and the most important of the institutions serving for the latter purpose, the census of the empire, was extended to Sicily alone, not to any of the provinces subsequently acquired. This emancipation of the supreme administrative officials from the central authority was more than hazardous. The Roman governor, placed at the head of the armies of the state, and in possession of considerable financial resources; subject to but a lax judicial control, and practically independent of the supreme administration; and impelled by a sort of necessity to separate the interest of himself and of the people whom he governed from that of the Roman community and to treat them as conflicting, far more resembled a Persian satrap than one of the commissioners of the Roman senate at the time of the Samnite wars. The man, moreover, who had just conducted a legalized military tyranny abroad, could with difficulty find his way back to the common civic level, which distinguished between those who commanded and those who obeyed, but not between masters and slaves. Even the government felt that their two fundamental principles—equality within the aristocracy, and the subordination of the power of the magistrates to the senatorial college—began in this instance

to give way in their hands. The aversion of the government to the acquisition of new provinces and to the whole provincial system; the institution of the provincial quaestorships, which were intended to take at least the financial power out of the hands of the governors; and the abolition of the arrangement—in itself so judicious—for a longer tenure of such offices (ii. 392), very clearly evince the anxiety felt by the more far-seeing of the Roman statesmen as to the fruits of the seed thus sown. But diagnosis is not cure. The internal government of the nobility continued to follow the direction once given to it; and the decay of the administration and of the financial system —paving the way for future revolutions and usurpations —steadily pursued its course, if not unnoticed, yet unchecked.

The opposition.

If the new nobility was less sharply defined than the old aristocracy of the clans, and if the encroachment on the other burgesses as respected the joint enjoyment of political rights was in the one case *de jure*, in the other only *de facto*, the second form of inferiority was for that very reason worse to bear and worse to throw off than the first. Attempts to throw it off were, as a matter of course, not wanting. The opposition rested on the support of the public assembly, as the nobility did on the senate: in order to understand the opposition, we must first describe the Roman burgess-body during this period as regards its spirit and its position in the commonwealth.

Character of the Roman burgess-body.

Whatever could be demanded of an assembly of burgesses like the Roman, which was not the moving spring, but the firm foundation, of the whole machinery— a sure perception of the common good, a sagacious deference towards the right leader, a steadfast spirit in prosperous and evil days, and, above all, the capacity of sacrificing the individual for the general welfare and the comfort of the present for the advantage of the future—all

these qualities the Roman community exhibited in so high a degree that, when we look to its conduct as a whole, all censure is lost in reverent admiration. Even now good sense and discretion still thoroughly predominated. The whole conduct of the burgesses with reference to the government as well as to the opposition shows quite clearly that the same mighty patriotism before which even the genius of Hannibal had to quit the field prevailed also in the Roman comitia. No doubt they often erred; but their errors originated not in the mischievous impulses of a rabble, but in the narrow views of burgesses and farmers. The machinery, however, by means of which the burgesses intervened in the course of public affairs became certainly more and more unwieldy, and the circumstances in which they were placed through their own great deeds far outgrew their power to deal with them. We have already stated, that in the course of this epoch most of the former communities of passive burgesses, as well as a considerable number of newly established colonies, received the full Roman franchise (pp. 23, 26). At the close of this period the Roman burgess-body, in a tolerably compact mass, filled Latium in its widest sense, Sabina, and a part of Campania, so that it reached on the west coast northward to Caere and southward to Cumae; within this district there were only a few cities not included in it, such as Tibur, Praeneste, Signia, Norba, and Ferentinum. To this fell to be added the maritime colonies on the coasts of Italy which uniformly possessed the full Roman franchise, the Picenian and Trans-Apennine colonies of the most recent times, to which the franchise must have been conceded (p. 26), and a very considerable number of Roman burgesses, who, without forming separate communities in a strict sense, were scattered throughout Italy in market-villages and hamlets (*fora et conciliabula*). To some extent the unwieldiness of a civic community so constituted was

remedied, for the purposes of justice[1] and of administration, by the deputy judges previously mentioned (ii. 49); and already perhaps the maritime (ii. 48) and the new Picenian and Trans-Apennine colonies exhibited at least the first lineaments of the system under which afterwards smaller urban communities were organized within the great city-commonwealth of Rome. But in all political questions the primary assembly in the Roman Forum remained alone entitled to act; and it is obvious at a glance, that this assembly was no longer, in its composition or in its collective action, what it had been when all the persons entitled to vote could exercise their privilege as citizens by leaving their farms in the morning and returning home the same evening. Moreover the government—whether from want of judgment, from negligence, or from any evil design, we cannot tell—no longer as formerly enrolled the communities admitted to the franchise after 513 in newly 241
instituted election-districts, but included them along with others in the old; so that gradually each tribe came to be composed of different townships scattered over the whole Roman territory. Election-districts such as these, containing on an average 8000—the urban naturally having more, the rural fewer—persons entitled to vote, without local connection or inward unity, no longer admitted of any definite leading or of any satisfactory previous deliberation; disadvantages which must have been the more felt, since the voting itself was not preceded by any free debate. Moreover, while the burgesses had quite sufficient capacity

[1] In Cato's treatise on husbandry, which, as is well known, primarily relates to an estate in the district of Venafrum, the judicial discussion of such processes as might arise is referred to Rome only as respects one definite case; namely, that in which the landlord leases the winter pasture to the owner of a flock of sheep, and thus has to deal with a lessee who, as a rule, is not domiciled in the district (c. 149). It may be inferred from this, that in ordinary cases, where the contract was with a person domiciled in the district, such processes as might spring out of it were even in Cato's time decided not at Rome, but before the local judges.

to discern their communal interests, it was foolish and utterly ridiculous to leave the decision of the highest and most difficult questions which the power that ruled the world had to solve to a well-disposed but fortuitous concourse of Italian farmers, and to allow the nomination of generals and the conclusion of treaties of state to be finally judged of by people who understood neither the grounds nor the consequences of their decrees. In all matters transcending mere communal affairs the Roman primary assemblies accordingly played a childish and even silly part. As a rule, the people stood and gave assent to all proposals; and, when in exceptional instances they of their own impulse refused assent, as on occasion of the
200. declaration of war against Macedonia in 554 (ii. 419), the policy of the market-place certainly made a pitiful opposition—and with a pitiful issue—to the policy of the state.

Rise of a city rabble.

At length the rabble of clients assumed a position, formally of equality and often even, practically, of superiority, alongside of the class of independent burgesses. The institutions out of which it sprang were of great antiquity. From time immemorial the Roman of quality exercised a sort of government over his freedmen and dependents, and was consulted by them in all their more important affairs; a client, for instance, was careful not to give his children in marriage without having obtained the consent of his patron, and very often the latter directly arranged the match. But as the aristocracy became converted into a special ruling class concentrating in its hands not only power but also wealth, the clients became parasites and beggars; and the new adherents of the rich undermined outwardly and inwardly the burgess class. The aristocracy not only tolerated this sort of clientship, but worked it financially and politically for their own advantage. Thus, for instance, the old penny collections, which hitherto had taken place chiefly for religious purposes and at the burial

of men of merit, were now employed by lords of high standing—for the first time by Lucius Scipio, in 568, on occasion of a popular festival which he had in contemplation—for the purpose of levying on extraordinary occasions a contribution from the public. Presents were specially placed under legal restriction (in 550), because the senators began under that name to take regular tribute from their clients. But the retinue of clients was above all serviceable to the ruling class as a means of commanding the comitia; and the issue of the elections shows clearly how powerfully the dependent rabble already at this epoch competed with the independent middle class. 186 204.

The very rapid increase of the rabble in the capital particularly, which is thus presupposed, is also demonstrable otherwise. The increasing number and importance of the freedmen are shown by the very serious discussions that arose in the previous century (i. 396), and were continued during the present, as to their right to vote in the public assemblies, and by the remarkable resolution, adopted by the senate during the Hannibalic war, to admit honourable freedwomen to a participation in the public collections, and to grant to the legitimate children of manumitted fathers the insignia hitherto belonging only to the children of the free-born (p. 5). The majority of the Hellenes and Orientals who settled in Rome were probably little better than the freedmen, for national servility clung as indelibly to the former as legal servility to the latter.

Systematic corruption of the multitude.

But not only did these natural causes co-operate to produce a metropolitan rabble: neither the nobility nor the demagogues, moreover, can be acquitted from the reproach of having systematically nursed its growth, and of having undermined, so far as in them lay, the old public spirit by flattery of the people and things still worse. The electors as a body were still too respectable to admit of direct

electoral corruption showing itself on a great scale; but the favour of those entitled to vote was indirectly courted by methods far from commendable. The old obligation of the magistrates, particularly of the aediles, to see that corn could be procured at a moderate price and to superintend the games, began to degenerate into the state of things which at length gave rise to the horrible cry of the city populace under the Empire, "Bread for nothing and games for ever!" Large supplies of grain, either placed by the provincial governors at the disposal of the Roman market officials, or delivered at Rome free of cost by the provinces themselves for the purpose of procuring favour with particular Roman magistrates, enabled the aediles, from the middle of the sixth century, to furnish grain to the population of the capital at very low prices. "It was no wonder," Cato considered, "that the burgesses no longer listened to good advice—the belly forsooth had no ears."

Distributions of grain.

Festivals.

Popular amusements increased to an alarming extent. For five hundred years the community had been content with one festival in the year, and with one circus. The first Roman demagogue by profession, Gaius Flaminius, 220. added a second festival and a second circus (534);[1] and by these institutions—the tendency of which is sufficiently indicated by the very name of the new festival, "the plebeian games"—he probably purchased the permission to give battle at the Trasimene lake. When the path was once opened, the evil made rapid progress. The festival in honour of Ceres, the goddess who protected the plebeian order (i. 355), must have been but little, if at all, later than the plebeian games. On the suggestion of the Sibylline

[1] The laying out of the circus is attested. Respecting the origin of the plebeian games there is no ancient tradition (for what is said by the Pseudo-Asconius, p. 143, *Orell.* is not such); but seeing that they were celebrated in the Flaminian circus (Val. Max. i. 7, 4), and first certainly 216. occur in 538, four years after it was built (Liv. xxiii. 30), what we have stated above is sufficiently proved.

and Marcian prophecies, moreover, a fourth festival was added in 542 in honour of Apollo, and a fifth in 550 in honour of the "Great Mother" recently transplanted from Phrygia to Rome. These were the severe years of the Hannibalic war—on the first celebration of the games of Apollo the burgesses were summoned from the circus itself to arms; the superstitious fear peculiar to Italy was feverishly excited, and persons were not wanting who took advantage of the opportunity to circulate Sibylline and prophetic oracles and to recommend themselves to the multitude through their contents and advocacy: we can scarcely blame the government, which was obliged to call for so enormous sacrifices from the burgesses, for yielding in such matters. But what was once conceded had to be continued; indeed, even in more peaceful times (581) there was added another festival, although of minor importance —the games in honour of Flora. The cost of these new festal amusements was defrayed by the magistrates entrusted with the providing of the respective festivals from their own means: thus the curule aediles had, over and above the old national festival, those of the Mother of the Gods and of Flora; the plebeian aediles had the plebeian festival and that of Ceres, and the urban praetor the Apollinarian games. Those who sanctioned the new festivals perhaps excused themselves in their own eyes by the reflection that they were not at any rate a burden on the public purse; but it would have been in reality far less injurious to burden the public budget with a number of useless expenses, than to allow the providing of an amusement for the people to become practically a qualification for holding the highest office in the state. The future candidates for the consulship soon entered into a mutual rivalry in their expenditure on these games, which incredibly increased their cost; and, as may well be conceived, it did no harm if the consul expectant gave, over and above this as it were

212. 204. 173.

legal contribution, a voluntary "performance" (*munus*), a gladiatorial show at his own expense for the public benefit. The splendour of the games became gradually the standard by which the electors measured the fitness of the candidates for the consulship. The nobility had, in truth, to pay dear for their honours—a gladiatorial show on a respectable scale cost 720,000 sesterces (£7200)—but they paid willingly, since by this means they absolutely precluded men who were not wealthy from a political career.

Squandering of the spoil.

Corruption, however, was not restricted to the Forum; it was transferred even to the camp. The old burgess militia had reckoned themselves fortunate when they brought home a compensation for the toil of war, and, in the event of success, a trifling gift as a memorial of victory. The new generals, with Scipio Africanus at their head, lavishly scattered amongst their troops the money of Rome as well as the proceeds of the spoil: it was on this point, that Cato quarrelled with Scipio during the last campaigns against Hannibal in Africa. The veterans from the second Macedonian war and that waged in Asia Minor already returned home throughout as wealthy men: even the better class began to commend a general, who did not appropriate the gifts of the provincials and the gains of war entirely to himself and his immediate followers, and from whose camp not a few men returned with gold, and many with silver, in their pockets: men began to forget that the moveable spoil was the property of the state. When Lucius Paullus again dealt with it in the old mode, his own soldiers, especially the volunteers who had been allured in numbers by the prospect of rich plunder, fell little short of refusing to the victor of Pydna by popular decree the honour of a triumph—an honour which they already threw away on every one who had subjugated three Ligurian villages.

How much the military discipline and the martial spirit

of the burgesses suffered from this conversion of war into a traffic in plunder, may be traced in the campaigns against Perseus; and the spread of cowardice was manifested in a way almost scandalous during the insignificant Istrian war (in 576). On occasion of a trifling skirmish magnified by rumour to gigantic dimensions, the land army and the naval force of the Romans, and even the Italians, ran off homeward, and Cato found it necessary to address a special reproof to his countrymen for their cowardice. In this too the youth of quality took precedence. Already during the Hannibalic war (545) the censors found occasion to visit with severe penalties the remissness of those who were liable to military service under the equestrian census. Towards the close of this period (574?) a decree of the people prescribed evidence of ten years' service as a qualification for holding any public magistracy, with a view to compel the sons of the nobility to enter the army.

Decline of warlike spirit.

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But perhaps nothing so clearly evinces the decay of genuine pride and genuine honour in high and low alike as the hunting after insignia and titles, which appeared under different forms of expression, but with substantial identity of character, among all ranks and classes. So urgent was the demand for the honour of a triumph that there was difficulty in upholding the old rule, which accorded a triumph only to the ordinary supreme magistrate who augmented the power of the commonwealth in open battle, and thereby, it is true, not unfrequently excluded from that honour the very authors of the most important successes. There was a necessity for acquiescence, while those generals, who had in vain solicited, or had no prospect of attaining, a triumph from the senate or the burgesses, marched in triumph on their own account at least to the Alban Mount (first in 523). No combat with a Ligurian or Corsican horde was too insignificant to be made a pretext for demanding a triumph. In order to

Title-hunting.

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put an end to the trade of peaceful triumphators, such as
180. were the consuls of 574, the granting of a triumph was made to depend on the producing proof of a pitched battle which had cost the lives of at least 5000 of the enemy; but this proof was frequently evaded by false bulletins—already in houses of quality many an enemy's armour might be seen to glitter, which had by no means come thither from the field of battle. While formerly the commander-in-chief of the one year had reckoned it an honour to serve next year on the staff of his successor, the fact that the consular Cato took service as a military tribune under
194. Tiberius Sempronius Longus (560) and Manius Glabrio
191. (563; ii. 457), was now regarded as a demonstration against the new-fashioned arrogance. Formerly the thanks of the community once for all had sufficed for service rendered to the state: now every meritorious act seemed to demand a permanent distinction. Already Gaius
260. Duilius, the victor of Mylae (494), had gained an exceptional permission that, when he walked in the evening through the streets of the capital, he should be preceded by a torch-bearer and a piper. Statues and monuments, very often erected at the expense of the person whom they purported to honour, became so common, that it was ironically pronounced a distinction to have none. But such merely personal honours did not long suffice. A custom came into vogue, by which the victor and his descendants derived a permanent surname from the victories they had won—a custom mainly established by the victor of Zama who got himself designated as the hero of Africa, his brother as the hero of Asia, and his cousin as the hero of Spain.[1] The example set by the higher was

[1] ii. 483. The first certain instance of such a surname is that of Manius
263. Valerius Maximus, consul in 491, who, as conqueror of Messana, assumed
335. the name Messalla (ii. 170): that the consul of 419 was, in a similar manner, called Calenus, is an error. The presence of Maximus as a surname in the Valerian (i. 348) and Fabian (i. 397) clans is not quite analogous.

followed by the humbler classes. When the ruling order did not disdain to settle the funeral arrangements for different ranks and to decree to the man who had been censor a purple winding-sheet, it could not complain of the freedmen for desiring that their sons at any rate might be decorated with the much-envied purple border. The robe, the ring, and the amulet-case distinguished not only the burgess and the burgess's wife from the foreigner and the slave, but also the person who was free-born from one who had been a slave, the son of free-born, from the son of manumitted, parents, the son of the knight and the senator from the common burgess, the descendant of a curule house from the common senator (p. 5)—and this in a community where all that was good and great was the work of civil equality!

The dissension in the community was reflected in the ranks of the opposition. Resting on the support of the farmers, the patriots raised a loud cry for reform; resting on the support of the mob in the capital, demagogism began its work. Although the two tendencies do not admit of being wholly separated but in various respects go hand in hand, it will be necessary to consider them apart.

The party of reform. Cato. 234-149.

The party of reform emerges, as it were, personified in Marcus Porcius Cato (520–605). Cato, the last statesman of note belonging to that earlier system which restricted its ideas to Italy and was averse to universal empire, was for that reason accounted in after times the model of a genuine Roman of the antique stamp; he may with greater justice be regarded as the representative of the opposition of the Roman middle class to the new Hellenico-cosmopolite nobility. Brought up at the plough, he was induced to enter on a political career by the owner of a neighbouring estate, one of the few nobles who kept aloof from the tendencies of the age, Lucius Valerius Flaccus. That upright patrician deemed the rough Sabine farmer the

proper man to stem the current of the times; and he was not deceived in his estimate. Beneath the aegis of Flaccus, and after the good old fashion serving his fellow-citizens and the commonwealth in counsel and action, Cato fought his way up to the consulate and a triumph, and even to the censorship. Having in his seventeenth year entered the burgess-army, he had passed through the whole Hannibalic war from the battle on the Trasimene lake to that of Zama; had served under Marcellus and Fabius, under Nero and Scipio; and at Tarentum and Sena, in Africa, Sardinia, Spain, and Macedonia, had shown himself capable as a soldier, a staff-officer, and a general. He was the same in the Forum, as in the battle-field. His prompt and fearless utterance, his rough but pungent rustic wit, his knowledge of Roman law and Roman affairs, his incredible activity and his iron frame, first brought him into notice in the neighbouring towns; and, when at length he made his appearance on the greater arena of the Forum and the senate-house in the capital, constituted him the most influential advocate and political orator of his time. He took up the key-note first struck by Manius Curius, his ideal among Roman statesmen (i. 394): throughout his long life he made it his task honestly, to the best of his judgment, to assail on all hands the prevailing declension; and even in his eighty-fifth year he battled in the Forum with the new spirit of the times. He was anything but comely—he had green eyes, his enemies alleged, and red hair—and he was not a great man, still less a far-seeing statesman. Thoroughly narrow in his political and moral views, and having the ideal of the good old times always before his eyes and on his lips, he cherished an obstinate contempt for everything new. Deeming himself by virtue of his own austere life entitled to manifest an unrelenting severity and harshness towards everything and everybody; upright and honourable, but without a glimpse of any duty

lying beyond the sphere of police order and of mercantile integrity; an enemy to all villany and vulgarity as well as to all refinement and geniality, and above all things the foe of his foes; he never made an attempt to stop evils at their source, but waged war throughout life against symptoms, and especially against persons. The ruling lords, no doubt, looked down with a lofty disdain on the ignoble growler, and believed, not without reason, that they were far superior; but fashionable corruption in and out of the senate secretly trembled in the presence of the old censor of morals with his proud republican bearing, of the scar-covered veteran from the Hannibalic war, and of the highly influential senator and the idol of the Roman farmers. He publicly laid before his noble colleagues, one after another, his list of their sins; certainly without being remarkably particular as to the proofs, and certainly also with a peculiar relish in the case of those who had personally crossed or provoked him. With equal fearlessness he reproved and publicly scolded the burgesses for every new injustice and every fresh disorder. His vehement attacks provoked numerous enemies, and he lived in declared and irreconcilable hostility with the most powerful aristocratic coteries of the time, particularly the Scipios and Flaminini; he was publicly accused forty-four times. But the farmers —and it is a significant indication how powerful still in the Roman middle class was the spirit which had enabled them to survive the day of Cannae—never allowed the unsparing champion of reform to lack the support of their votes. Indeed when in 570 Cato and his like-minded patrician 184.
colleague, Lucius Flaccus, solicited the censorship, and announced beforehand that it was their intention when in that office to undertake a vigorous purification of the burgess-body through all its ranks, the two men so greatly dreaded were elected by the burgesses notwithstanding all the exertions of the nobility; and the latter were obliged to

submit, while the great purgation actually took place and erased among others the brother of Africanus from the roll of the equites, and the brother of the deliverer of the Greeks from the roll of the senate.

Police reform.

This warfare directed against individuals, and the various attempts to repress the spirit of the age by means of justice and of police, however deserving of respect might be the sentiments in which they originated, could only at most stem the current of corruption for a short time; and, while it is remarkable that Cato was enabled in spite of that current, or rather by means of it, to play his political part, it is equally significant that he was as little successful in getting rid of the leaders of the opposite party as they were in getting rid of him. The processes of count and reckoning instituted by him and by those who shared his views before the burgesses uniformly remained, at least in the cases that were of political importance, quite as ineffectual as the counter-accusations directed against him. Nor was much more effect produced by the police-laws, which were issued at this period in unusual numbers, especially for the restricti n of luxury and for the introduction of a frugal and orderly housekeeping, and some of which have still to be touched on in our view of the national economics.

Assignations of land.

Far more practical and more useful were the attempts made to counteract the spread of decay by indirect means; among which, beyond doubt, the assignations of new farms out of the domain land occupy the first place. These assignations were made in great numbers and of considerable extent in the period between the first and second war with Carthage, and again from the close of the latter till towards the end of this epoch. The most important of them were the distribution of the Picenian possessions
232. by Gaius Flaminius in 522 (ii. 229); the foundation of eight
194. new maritime colonies in 560 (ii. 365); and above all the

comprehensive colonization of the district between the Apennines and the Po by the establishment of the Latin colonies of Placentia, Cremona (ii. 229), Bononia (ii. 374), and Aquileia (ii. 372), and of the burgess-colonies, Potentia, Pisaurum, Mutina, Parma, and Luna (ii. 374) in the years 536 and 565–577. By far the greater part of these highly beneficial foundations may be ascribed to the reforming party. Cato and those who shared his opinions demanded such measures, pointing, on the one hand, to the devastation of Italy by the Hannibalic war and the alarming diminution of the farms and of the free Italian population generally, and, on the other, to the widely extended possessions of the nobles — occupied along with, and similarly to, property of their own—in Cisalpine Gaul, in Samnium, and in the Apulian and Bruttian districts; and although the rulers of Rome did not probably comply with these demands to the extent to which they might and should have complied with them, yet they did not remain deaf to the warning voice of so judicious a man. 218. 189-177.

Of a kindred character was the proposal, which Cato made in the senate, to remedy the decline of the burgess-cavalry by the institution of four hundred new equestrian stalls (p. 8). The exchequer cannot have wanted means for the purpose; but the proposal appears to have been thwarted by the exclusive spirit of the nobility and their endeavour to remove from the burgess-cavalry those who were troopers merely and not knights. On the other hand, the serious emergencies of the war, which even induced the Roman government to make an attempt—fortunately unsuccessful—to recruit their armies after the Oriental fashion from the slave-market (ii. 298, 335), compelled them to modify the qualifications hitherto required for service in the burgess-army, viz. a minimum census of 11,000 *asses* (£43), and free birth. Apart from the fact that they took up for Reforms in the military service.

service in the fleet the persons of free birth rated between 4000 *asses* (£17) and 1500 *asses* (£6) and all the freedmen, the minimum census for the legionary was reduced to 4000 *asses* (£17); and, in case of need, both those who were bound to serve in the fleet and the free-born rated between 1500 *asses* (£6) and 375 *asses* (£1 : 10*s.*) were enrolled in the burgess-infantry. These innovations, which belong presumably to the end of the preceding or beginning of the present epoch, doubtless did not originate in party efforts any more than did the Servian military reform; but they gave a material impulse to the democratic party, in so far as those who bore civic burdens necessarily claimed and eventually obtained equalization of civic rights. The poor and the freedmen began to be of some importance in the commonwealth from the time when they served it; and chiefly from this cause arose one of the most important constitutional changes of this epoch—the remodelling of the *comitia centuriata*, which most probably took place in the same year in which the war concerning Sicily terminated

241. (513).

Reform of the centuries.

According to the order of voting hitherto followed in the centuriate comitia, although the freeholders were no longer—as down to the reform of Appius Claudius (i. 396) they had been—the sole voters, the wealthy had the preponderance. The equites, or in other words the patricio-plebeian nobility, voted first, then those of the highest rating, or in other words those who had exhibited to the censor an estate of at least 100,000 *asses* (£420);[1] and

[1] As to the original rates of the Roman census it is difficult to lay down anything definite. Afterwards, as is well known, 100,000 *asses* was regarded as the minimum census of the first class; to which the census of the other four classes stood in the (at least approximate) ratio of $\frac{3}{4}$, $\frac{1}{2}$, $\frac{1}{4}$, $\frac{1}{8}$. But these rates are understood already by Polybius, as by all later authors, to refer to the light *as* ($\frac{1}{10}$ of the *denarius*), and apparently this view must be adhered to, although in reference to the Voconian law the same sums are reckoned as heavy *asses* ($\frac{1}{4}$ of the *denarius*: *Geschichte des Röm.*

312. *Münzwesens*, p. 302). But Appius Claudius, who first in 442 expressed the

these two divisions, when they kept together, had decided every vote. The suffrage of those assessed under the four following classes had been of doubtful weight; that of those whose valuation remained below the standard of the lowest class, 11,000 *asses* (£43), had been essentially illusory. According to the new arrangement the right of priority in voting was withdrawn from the equites, although they retained their separate divisions, and it was transferred to a voting division chosen from the first class by lot. The importance of that aristocratic right of prior voting cannot be estimated too highly, especially at an epoch in which practically the influence of the nobility on the burgesses at large was constantly on the increase. Even the patrician order proper were still at this epoch powerful enough to fill the second consulship and the second censorship, which stood open in law alike to patricians and plebeians, solely with men of their own body, the former up to the close of this period (till 582), the latter even for a generation longer (till 623); and in fact, at the most perilous moment which the Roman republic ever experienced—in the crisis after the battle of Cannae—they cancelled the quite legally conducted election of the officer who was in all respects the ablest—the plebeian Marcellus—to the consulship 172. 181.

census-rates in money instead of the possession of land (i. 396), cannot in this have made use of the light *as*, which only emerged in 485 (ii. 87). Either therefore he expressed the same amounts in heavy *asses*, and these were at the reduction of the coinage converted into light; or he proposed the later figures, and these remained the same notwithstanding the reduction or the coinage, which in this case would have involved a lowering of the class-rates by more than the half. Grave doubts may be raised in opposition to either hypothesis; but the former appears the more credible, for so exorbitant an advance in democratic development is not probable either for the end of the fifth century or as an incidental consequence of a mere administrative measure, and besides it would scarce have disappeared wholly from tradition. 100,000 light *asses*, or 40,000 sesterces, may, moreover, be reasonably regarded as the equivalent of the original Roman full hide of perhaps 20 *jugera* (i. 122); so that, according to this view, the rates of the census as a whole have changed merely in expression, and not in value. 269.

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vacated by the death of the patrician Paullus, solely on account of his plebeianism. At the same time it is a significant token of the nature even of this reform that the right of precedence in voting was withdrawn only from the nobility, not from those of the highest rating; the right of prior voting withdrawn from the equestrian centuries passed not to a division chosen incidentally by lot from the whole burgesses, but exclusively to the first class. This as well as the five grades generally remained as they were; only the lower limit was probably shifted in such a way that the minimum census was, for the right of voting in the centuries as for service in the legion, reduced from 11,000 to 4000 *asses*. Besides, the formal retention of the earlier rates, while there was a general increase in the amount of men's means, involved of itself in some measure an extension of the suffrage in a democratic sense. The total number of the divisions remained likewise unchanged; but, while hitherto, as we have said, the 18 equestrian centuries and the 80 of the first class had, standing by themselves, the majority in the 193 voting centuries, in the reformed arrangement the votes of the first class were reduced to 70, with the result that under all circumstances at least the second grade came to vote. Still more important, and indeed the real central element of the reform, was the connection into which the new voting divisions were brought with the tribal arrangement. Formerly the centuries originated from the tribes on the footing, that whoever belonged to a tribe had to be enrolled by the censor in one of the centuries. From the time that the non-freehold burgesses had been enrolled in the tribes, they too came thus into the centuries, and, while they were restricted in the *comitia tributa* to the four urban divisions, they had in the *comitia centuriata* formally the same right with the freehold burgesses, although probably the censorial arbitrary prerogative intervened in the com-

position of the centuries, and granted to the burgesses enrolled in the rural tribes the preponderance also in the centuriate assembly. This preponderance was established by the reformed arrangement on the legal footing, that of the 70 centuries of the first class, two were assigned to each tribe and, accordingly, the non-freehold burgesses obtained only eight of them; in a similar way the preponderance must have been conceded also in the four other grades to the freehold burgesses. In a like spirit the previous equalization of the freedmen with the free-born in the right of voting was set aside at this time, and even the freehold freedmen were assigned to the four urban tribes. This was done in the year 534 by one of the most notable men 220.
of the party of reform, the censor Gaius Flaminius, and was then repeated and more stringently enforced fifty years later (585) by the censor Tiberius Sempronius Gracchus, 169.
the father of the two authors of the Roman revolution. This reform of the centuries, which perhaps in its totality proceeded likewise from Flaminius, was the first important constitutional change which the new opposition wrung from the nobility, the first victory of the democracy proper. The pith of it consists partly in the restriction of the censorial arbitrary rule, partly in the restriction of the influence of the nobility on the one hand, and of the non-freeholders and the freedmen on the other, and so in the remodelling of the centuriate comitia according to the principle which already held good for the comitia of the tribes; a course which commended itself by the circumstance that elections, projects of law, criminal impeachments, and generally all affairs requiring the co-operation of the burgesses, were brought throughout to the comitia of the tribes and the more unwieldy centuries were but seldom called together, except where it was constitutionally necessary or at least usual, in order to elect the censors, consuls, and praetors, and in order to resolve upon an aggressive war.

Thus this reform did not introduce a new principle into the constitution, but only brought into general application the principle that had long regulated the working of the practically more frequent and more important form of the burgess-assemblies. Its democratic, but by no means demagogic, tendency is clearly apparent in the position which it took up towards the proper supports of every really revolutionary party, the proletariate and the freedmen. For that reason the practical significance of this alteration in the order of voting regulating the primary assemblies must not be estimated too highly. The new law of election did not prevent, and perhaps did not even materially impede, the contemporary formation of a new politically privileged order. It is certainly not owing to the mere imperfection of tradition, defective as it undoubtedly is, that we are nowhere able to point to a practical influence exercised by this much-discussed reform on the course of political affairs. An intimate connection, we may add, subsisted between this reform, and the already-mentioned abolition of the Roman burgess-communities *sine suffragio*, which were gradually merged in the community of full burgesses. The levelling spirit of the party of progress suggested the abolition of distinctions within the middle class, while the chasm between burgesses and non-burgesses was at the same time widened and deepened.

Results of the efforts at reform.

Reviewing what the reform party of this age aimed at and obtained, we find that it undoubtedly exerted itself with patriotism and energy to check, and to a certain extent succeeded in checking, the spread of decay—more especially the falling off of the farmer class and the relaxation of the old strict and frugal habits—as well as the preponderating political influence of the new nobility. But we fail to discover any higher political aim. The discontent of the multitude and the moral indignation of the

better classes found doubtless in this opposition their appropriate and powerful expression; but we do not find either a clear insight into the sources of the evil, or any definite and comprehensive plan of remedying it. A certain want of thought pervades all these efforts otherwise so deserving of honour, and the purely defensive attitude of the defenders forebodes little good for the sequel. Whether the disease could be remedied at all by human skill, remains fairly open to question; the Roman reformers of this period seem to have been good citizens rather than good statesmen, and to have conducted the great struggle between the old civism and the new cosmopolitanism on their part after a somewhat inadequate and narrow-minded fashion.

Demagogism.

But, as this period witnessed the rise of a rabble by the side of the burgesses, so it witnessed also the emergence of a demagogism that flattered the populace alongside of the respectable and useful party of opposition. Cato was already acquainted with men who made a trade of demagogism; who had a morbid propensity for speechifying, as others had for drinking or for sleeping; who hired listeners, if they could find no willing audience otherwise; and whom people heard as they heard the market-crier, without listening to their words or, in the event of needing help, entrusting themselves to their hands. In his caustic fashion the old man describes these fops formed after the model of the Greek talkers of the *agora*, dealing in jests and witticisms, singing and dancing, ready for anything; such an one was, in his opinion, good for nothing but to exhibit himself as harlequin in a procession and to bandy talk with the public—he would sell his talk or his silence for a bit of bread. In reality these demagogues were the worst enemies of reform. While the reformers insisted above all things and in every direction on moral amendment, demagogism preferred to insist on the limitation of

the powers of the government and the extension of those of the burgesses.

Abolition of the dictatorship.

Under the former head the most important innovation was the practical abolition of the dictatorship. The crisis occasioned by Quintus Fabius and his popular opponents
217. in 537 (ii. 284) gave the death-blow to this all-along unpopular institution. Although the government once after-
216. wards, in 538, under the immediate impression produced by the battle of Cannae, nominated a dictator invested with active command, it could not again venture to do so in more peaceful times. On several occasions subsequently
202. (the last in 552), sometimes after a previous indication by the burgesses of the person to be nominated, a dictator was appointed for urban business; but the office, without being formally abolished, fell practically into desuetude. Through its abeyance the Roman constitutional system, so artificially constructed, lost a corrective which was very desirable with reference to its peculiar feature of collegiate magistrates (i. 325); and the government, which was vested with the sole power of creating a dictatorship or in other words of suspending the consuls, and ordinarily designated also the person who was to be nominated as dictator, lost one of its most important instruments. Its place was but very imperfectly supplied by the power — which the senate thenceforth claimed — of conferring in extraordinary emergencies, particularly on the sudden outbreak of revolt or war, a quasi-dictatorial power on the supreme magistrates for the time being, by instructing them "to take measures for the safety of the commonwealth at their discretion," and thus creating a state of things similar to the modern martial law.

Election of priests by the community.

Along with this change the formal powers of the people in the nomination of magistrates as well as in questions of government, administration, and finance, received a hazard-

ous extension. The priesthoods—particularly those politically most important, the colleges of men of lore—according to ancient custom filled up the vacancies in their own ranks, and nominated also their own presidents, where these corporations had presidents at all; and in fact, for such institutions destined to transmit the knowledge of divine things from generation to generation, the only form of election in keeping with their spirit was cooptation. It was therefore—although not of great political importance—significant of the incipient disorganization of the republican arrangements, that at this time (before 542), while 212.
election into the colleges themselves was left on its former footing, the designation of the presidents—the *curiones* and *pontifices*—from the ranks of those corporations was transferred from the colleges to the community. In this case, however, with a pious regard for forms that is genuinely Roman, in order to avoid any error, only a minority of the tribes, and therefore not the "people," completed the act of election.

Interference of the community in war and administration.

Of greater importance was the growing interference of the burgesses in questions as to persons and things belonging to the sphere of military administration and external policy. To this head belong the transference of the nomination of the ordinary staff-officers from the general to the burgesses, which has been already mentioned (p. 13); the elections of the leaders of the opposition as commanders-in-chief against Hannibal (ii. 277, 286); the unconstitutional and irrational decree of the people in 537, 217.
which divided the supreme command between the unpopular generalissimo and his popular lieutenant who opposed him in the camp as well as at home (ii. 284); the tribunician complaint laid before the burgesses, charging an officer like Marcellus with injudicious and dishonest management of the war (545), which even compelled him 209.
to come from the camp to the capital and there demon-

strate his military capacity before the public; the still more scandalous attempts to refuse by decree of the burgesses to the victor of Pydna his triumph (p. 42); the investiture—suggested, it is true, by the senate—of a
210. private man with extraordinary consular authority (544; ii. 325); the dangerous threat of Scipio that, if the senate should refuse him the chief command in Africa, he would
205. seek the sanction of the burgesses (549; ii. 352); the attempt of a man half crazy with ambition to extort from the burgesses, against the will of the government, a declaration of war in every respect unwarranted against the
167. Rhodians (587; ii. 514); and the new constitutional axiom, that every state-treaty acquired validity only through the ratification of the people.

Interference of the community with the finances.

This joint action of the burgesses in governing and in commanding was fraught in a high degree with peril. But still more dangerous was their interference with the finances of the state; not only because any attack on the oldest and most important right of the government—the exclusive administration of the public property—struck at the root of the power of the senate, but because the placing of the most important business of this nature—the distribution of the public domains—in the hands of the primary assemblies of the burgesses necessarily dug the grave of the republic. To allow the primary assembly to decree the transference of public property without limit to its own pocket is not only wrong, but is the beginning of the end; it demoralizes the best-disposed citizens, and gives to the proposer a power incompatible with a free commonwealth. Salutary as was the distribution of the public land, and doubly blameable as was the senate accordingly for omitting to cut off this most dangerous of all weapons of agitation by voluntarily distributing the occupied lands, yet Gaius Flaminius, when he came to
232. the burgesses in 522 with the proposal to distribute the

domains of Picenum, undoubtedly injured the commonwealth more by the means than he benefited it by the end. Spurius Cassius had doubtless two hundred and fifty years earlier proposed the same thing (i. 361); but the two measures, closely as they coincided in the letter, were yet wholly different, inasmuch as Cassius submitted a matter affecting the community to that community while it was in vigour and self-governing, whereas Flaminius submitted a question of state to the primary assembly of a great empire.

Nullity of the comitia.

Not the party of the government only, but the party of reform also, very properly regarded the military, executive, and financial government as the legitimate domain of the senate, and carefully abstained from making full use of, to say nothing of augmenting, the formal power vested in primary assemblies that were inwardly doomed to inevitable dissolution. Never even in the most limited monarchy was a part so completely null assigned to the monarch as was allotted to the sovereign Roman people: this was no doubt in more than one respect to be regretted, but it was, owing to the existing state of the comitial machine, even in the view of the friends of reform a matter of necessity. For this reason Cato and those who shared his views never submitted to the burgesses a question, which trenched on government strictly so called; and never, directly or indirectly, by decree of the burgesses extorted from the senate the political or financial measures which they wished, such as the declaration of war against Carthage and the assignations of land. The government of the senate might be bad; the primary assemblies could not govern at all. Not that an evil-disposed majority predominated in them; on the contrary the counsel of a man of standing, the loud call of honour, and the louder call of necessity were still, as a rule, listened to in the comitia, and averted the most injurious and disgraceful results. The burgesses, before whom Mar-

cellus pleaded his cause, ignominiously dismissed his accuser, and elected the accused as consul for the following year: they suffered themselves also to be persuaded of the necessity of the war against Philip, terminated the war against Perseus by the election of Paullus, and accorded to the latter his well-deserved triumph. But in order to such elections and such decrees there was needed some special stimulus; in general the mass having no will of its own followed the first impulse, and folly or accident dictated the decision.

Disorganization of government.

In the state, as in every organism, an organ which no longer discharges its functions is injurious. The nullity of the sovereign assembly of the people involved no small danger. Any minority in the senate might constitutionally appeal to the comitia against the majority. To every individual, who possessed the easy art of addressing untutored ears or of merely throwing away money, a path was opened up for his acquiring a position or procuring a decree in his favour, to which the magistrates and the government were formally bound to do homage. Hence sprang those citizen-generals, accustomed to sketch plans of battle on the tables of taverns and to look down on the regular service with compassion by virtue of their inborn genius for strategy: hence those staff-officers, who owed their command to the canvassing intrigues of the capital and, whenever matters looked serious, had at once to get leave of absence *en masse*; and hence the battles on the Trasimene lake and at Cannae, and the disgraceful management of the war with Perseus. At every step the government was thwarted and led astray by those incalculable decrees of the burgesses, and as was to be expected, most of all in the very cases where it was most in the right.

But the weakening of the government and the weakening of the community itself were among the lesser dangers that sprang from this demagogism. Still more directly the

factious violence of individual ambition pushed itself forward under the aegis of the constitutional rights of the burgesses. That which formally issued forth as the will of the supreme authority in the state was in reality very often the mere personal pleasure of the mover; and what was to be the fate of a commonwealth in which war and peace, the nomination and deposition of the general and his officers, the public chest and the public property, were dependent on the caprices of the multitude and its accidental leaders? The thunder-storm had not yet burst; but the clouds were gathering in denser masses, and occasional peals of thunder were already rolling through the sultry air. It was a circumstance, moreover, fraught with double danger, that the tendencies which were apparently most opposite met together at their extremes both as regarded ends and as regarded means. Family policy and demagogism carried on a similar and equally dangerous rivalry in patronizing and worshipping the rabble. Gaius Flaminius was regarded by the statesmen of the following generation as the initiator of that course from which proceeded the reforms of the Gracchi and—we may add—the democratico-monarchical revolution that ensued. But Publius Scipio also, although setting the fashion to the nobility in arrogance, title-hunting, and client-making, sought support for his personal and almost dynastic policy of opposition to the senate in the multitude, which he not only charmed by the dazzling effect of his personal qualities, but also bribed by his largesses of grain; in the legions, whose favour he courted by all means whether right or wrong; and above all in the body of clients, high and low, that personally adhered to him. Only the dreamy mysticism, on which the charm as well as the weakness of that remarkable man so largely depended, never suffered him to awake at all, or allowed him to awake but imperfectly, out of the belief that he was nothing, and that he desired to be nothing, but the first burgess of Rome.

To assert the possibility of a reform would be as rash as to deny it: this much is certain, that a thorough amendment of the state in all its departments was urgently required, and that in no quarter was any serious attempt made to accomplish it. Various alterations in details, no doubt, were made on the part of the senate as well as on the part of the popular opposition. The majorities in each were still well disposed, and still frequently, notwithstanding the chasm that separated the parties, joined hands in a common endeavour to effect the removal of the worst evils. But, while they did not stop the evil at its source, it was to little purpose that the better-disposed listened with anxiety to the dull murmur of the swelling flood and worked at dikes and dams. Contenting themselves with palliatives, and failing to apply even these—especially such as were the most important, the improvement of justice, for instance, and the distribution of the domains—in proper season and due measure, they helped to prepare evil days for their posterity. By neglecting to break up the field at the proper time, they allowed weeds even to ripen which they had not sowed. To the later generations who survived the storms of revolution the period after the Hannibalic war appeared the golden age of Rome, and Cato seemed the model of the Roman statesman. It was in reality the lull before the storm and the epoch of political mediocrities, an age like that of the government of Walpole in England; and no Chatham was found in Rome to infuse fresh energy into the stagnant life of the nation. Wherever we cast our eyes, chinks and rents are yawning in the old building; we see workmen busy sometimes in filling them up, sometimes in enlarging them; but we nowhere perceive any trace of preparations for thoroughly rebuilding or renewing it, and the question is no longer whether, but simply when, the structure will fall. During no epoch did the Roman constitution remain formally so stable as in the period from the Sicilian to the

third Macedonian war and for a generation beyond it; but the stability of the constitution was here, as everywhere, not a sign of the health of the state, but a token of incipient sickness and the harbinger of revolution.

CHAPTER XII

THE MANAGEMENT OF LAND AND OF CAPITAL

Roman economics.

It is in the sixth century of the city that we first find materials for a history of the times exhibiting in some measure the mutual connection of events; and it is in that century also that the economic condition of Rome emerges into view more distinctly and clearly. It is at this epoch that the wholesale system, as regards both the cultivation of land and the management of capital, becomes first established under the form, and on the scale, which afterwards prevailed; although we cannot exactly discriminate how much of that system is traceable to earlier precedent, how much to an imitation of the methods of husbandry and of speculation among peoples that were earlier civilized, especially the Phoenicians, and how much to the increasing mass of capital and the growth of intelligence in the nation. A summary outline of these economic relations will conduce to a more accurate understanding of the internal history of Rome.

Roman husbandry[1] applied itself either to the farming

[1] In order to gain a correct picture of ancient Italy, it is necessary for us to bear in mind the great changes which have been produced there by modern cultivation. Of the *cerealia*, rye was not cultivated in antiquity; and the Romans of the empire were astonished to find that oats, with which they were well acquainted as a weed, was used by the Germans for making porridge. Rice was first cultivated in Italy at the end of the fifteenth, and maize at the beginning of the seventeenth, century. Potatoes and tomatoes were brought from America; artichokes seem to be nothing but

of estates, to the occupation of pasture lands, or to the tillage of petty holdings. A very distinct view of the first of these is presented to us in the description given by Cato.

Farming of estates. Their size.

The Roman land-estates were, considered as larger holdings, uniformly of limited extent. That described by Cato had an area of 240 *jugera;* a very common measure was the so-called *centuria* of 200 *jugera*. Where the laborious culture of the vine was pursued, the unit of husbandry was made still less; Cato assumes in that case an area of 100 *jugera*. Any one who wished to invest more capital in farming did not enlarge his estate, but acquired several estates; accordingly the amount of 500 *jugera* (i. 381), fixed as the maximum which it was allowable to occupy, has been conceived to represent the contents of two or three estates.

Management of the estate.

The heritable lease was not recognised in the management of Italian private any more than of Roman public

a cultivated variety of the cardoon which was known to the Romans, yet the peculiar character superinduced by cultivation appears of more recent origin. The almond, again, or "Greek nut," the peach, or "Persian nut," and also the "soft nut" (*nux mollusca*), although originally foreign to Italy, are met with there at least 150 years before Christ. The date-palm, introduced into Italy from Greece as into Greece from the East, and forming a living attestation of the primitive commercial-religious intercourse between the west and the east, was already cultivated in Italy 300 years before Christ (Liv. x. 47; Pallad. v. 5, 2; xi. 12, 1) not for its fruit (Plin. *H. N.* xiii. 4, 26), but, just as in the present day, as a handsome plant, and for the sake of the leaves which were used at public festivals. The cherry, or fruit of Cerasus on the Black Sea, was later in being introduced, and only began to be planted in Italy in the time of Cicero, although the wild cherry is indigenous there; still later, perhaps, came the apricot, or "Armenian plum." The citron-tree was not cultivated in Italy till the later ages of the empire; the orange was only introduced by the Moors in the twelfth or thirteenth, and the aloe (*Agave Americana*) from America only in the sixteenth, century. Cotton was first cultivated in Europe by the Arabs. The buffalo also and the silkworm belong only to modern, not to ancient Italy.

It is obvious that the products which Italy had not originally are for the most part those very products which seem to us truly "Italian;" and if modern Germany, as compared with the Germany visited by Caesar, may be called a southern land, Italy has since in no less degree acquired a "more southern" aspect.

land; it occurred only in the case of the dependent communities. Leases for shorter periods, granted either for a fixed sum of money or on condition that the lessee should bear all the costs of tillage and should receive in return a share, ordinarily perhaps one half, of the produce,[1] were not unknown, but they were exceptional and a makeshift; so that no distinct class of tenant-farmers grew up in Italy.[2] Ordinarily therefore the proprietor himself superintended the cultivation of his estates; he did not, however, manage them strictly in person, but only appeared from time to time on the property in order to settle the plan of operations, to look after its execution, and to audit the accounts of his servants. He was thus enabled on the one hand to work a number of estates at the same time, and on the other hand to devote himself, as circumstances might require, to public affairs.

Objects of husbandry.

The grain cultivated consisted especially of spelt and wheat, with some barley and millet; turnips, radishes, garlic, poppies, were also grown, and—particularly as fodder for the cattle—lupines, beans, pease, vetches, and other leguminous plants. The seed was sown ordinarily in autumn, only in exceptional cases in spring. Much activity was displayed in irrigation and draining; and

[1] According to Cato, *de R. R.* 137 (comp. 16), in the case of a lease with division of the produce the gross produce of the estate, after deduction of the fodder necessary for the oxen that drew the plough, was divided between lessor and lessee (*colonus partiarius*) in the proportions agreed upon between them. That the shares were ordinarily equal may be conjectured from the analogy of the French *bail à cheptel* and the similar Italian system of half-and-half leases, as well as from the absence of all trace of any other scheme of partition. It is erroneous to refer to the case of the *politor*, who got the fifth of the grain or, if the division took place before thrashing, from the sixth to the ninth sheaf (Cato, 136, comp. 5); he was not a lessee sharing the produce, but a labourer assumed in the harvest season, who received his daily wages according to that contract of partnership (p. 71).

[2] The lease first assumed real importance when the Roman capitalists began to acquire transmarine possessions on a great scale; then indeed they knew how to value it, when a temporary lease was continued through several generations (Colum. i. 7, 3).

drainage by means of covered ditches was early in use. Meadows also for supplying hay were not wanting, and even in the time of Cato they were frequently irrigated artificially. Of equal, if not of greater, economic importance than grain and vegetables were the olive and the vine, of which the former was planted between the crops, the latter in vineyards appropriated to itself.[1] Figs, apples, pears, and other fruit trees were cultivated; and likewise elms, poplars, and other leafy trees and shrubs, partly for the felling of the wood, partly for the sake of the leaves which were useful as litter and as fodder for cattle. The rearing of cattle, on the other hand, held a far less important place in the economy of the Italians than it holds in modern times, for vegetables formed the general fare, and animal food made its appearance at table only exceptionally; where it did appear, it consisted almost solely of the flesh of swine or lambs. Although the ancients did not fail to perceive the economic connection between agriculture and the rearing of cattle, and in particular the importance of producing manure, the modern combination of the growth of corn with the rearing of cattle was a thing foreign to antiquity. The larger cattle were kept only so far as was requisite for the tillage of the fields, and they were fed not on special pasture-land, but, wholly during summer and mostly during winter also, in the stall. Sheep, again, were driven out on the stubble pasture; Cato allows 100 head to 240 *jugera*. Frequently, however, the proprietor preferred to let his winter pasture to a large sheep-owner, or to hand over his flock of sheep to a lessee who was to

[1] That the space between the vines was occupied not by grain, but only at the most by such fodder plants as easily grew in the shade, is evident from Cato (33, comp. 137), and accordingly Columella (iii. 3) calculates on no other accessory gain in the case of a vineyard except the produce of the young shoots sold. On the other hand, the orchard (*arbustum*) was sown like any corn field (Colum. ii. 9, 6). It was only where the vine was trained on living trees that corn was cultivated in the intervals between them.

share the produce, stipulating for the delivery of a certain number of lambs and of a certain quantity of cheese and milk. Swine—Cato assigns to a large estate ten sties —poultry, and pigeons were kept in the farmyard, and fed as there was need; and, where opportunity offered, a small hare-preserve and a fish-pond were constructed—the modest commencement of that nursing and rearing of game and fish which was afterwards prosecuted to so enormous an extent.

Means of husbandry. Cattle.

The labours of the field were performed by means of oxen which were employed for ploughing, and of asses, which were used specially for the carriage of manure and for driving the mill; perhaps a horse also was kept, apparently for the use of the master. These animals were not reared on the estate, but were purchased; oxen and horses at least were generally castrated. Cato assigns to an estate of 100 *jugera* one, to one of 240 *jugera* three, yoke of oxen; a later writer on agriculture, Saserna, assigns two yoke to the 200 *jugera*. Three asses were, according to Cato's estimate, required for the smaller, and four for the larger, estate.

Rural slaves.

The human labour on the farm was regularly performed by slaves. At the head of the body of slaves on the estate (*familia rustica*) stood the steward (*vilicus*, from *villa*), who received and expended, bought and sold, went to obtain the instructions of the landlord, and in his absence issued orders and administered punishment. Under him were placed the stewardess (*vilica*), who took charge of the house, kitchen and larder, poultry-yard and dovecot: a number of ploughmen (*bubulci*) and common serfs, an ass-driver, a swineherd, and, where a flock of sheep was kept, a shepherd. The number, of course, varied according to the method of husbandry pursued. An arable estate of 200 *jugera* without orchards was estimated to require two ploughmen and six serfs: a similar estate with two orchards two plough-

men and nine serfs; an estate of 240 *jugera* with olive plantations and sheep, three ploughmen, five serfs, and three herdsmen. A vineyard naturally required a larger expenditure of labour: an estate of 100 *jugera* with vine-plantations was supplied with one ploughman, eleven serfs, and two herdsmen. The steward of course occupied a freer position than the other slaves: the treatise of Mago advised that he should be allowed to marry, to rear children, and to have funds of his own, and Cato advises that he should be married to the stewardess; he alone had some prospect, in the event of good behaviour, of obtaining liberty from his master. In other respects all formed a common household. The slaves were, like the larger cattle, not bred on the estate, but purchased at an age capable of labour in the slave-market; and, when through age or infirmity they had become incapable of working, they were again sent with other refuse to the market.[1] The farm-buildings (*villa rustica*) supplied at once stabling for the cattle, storehouses for the produce, and a dwelling for the steward and the slaves; while a separate country house (*villa urbana*) for the master was frequently erected on the estate. Every slave, even the steward himself, had all the necessaries of life delivered to him on the master's behalf at certain times and according to fixed rates; and upon these he had to subsist. He received in this way clothes and shoes, which were purchased in the market, and which the recipients had

[1] Mago, or his translator (in Varro, *R. R.*, i. 17, 3), advises that slaves should not be bred, but should be purchased not under 22 years of age; and Cato must have had a similar course in view, as the personal staff of his model farm clearly shows, although he does not exactly say so. Cato (2) expressly counsels the sale of old and diseased slaves. The slave-breeding described by Columella (i. 8), under which female slaves who had three sons were exempted from labour, and the mothers of four sons were even manumitted, was doubtless an independent speculation rather than a part of the regular management of the estate—similar to the trade pursued by Cato himself of purchasing slaves to be trained and sold again (Plutarch, *Cat. Mai.* 21). The characteristic taxation mentioned in this same passage probably has reference to the body of servants properly so called (*familia urbana*).

merely to keep in repair; a quantity of wheat monthly, which each had to grind for himself; as also salt, olives or salted fish to form a relish to their food, wine, and oil. The quantity was adjusted according to the work; on which account the steward, who had easier work than the common slaves, got scantier measure than these. The stewardess attended to all the baking and cooking; and all partook of the same fare. It was not the ordinary practice to place chains on the slaves; but when any one had incurred punishment or was thought likely to attempt an escape, he was set to work in chains and was shut up during the night in the slaves' prison.[1]

Other labourers.

Ordinarily these slaves belonging to the estate were sufficient; in case of need neighbours, as a matter of course, helped each other with their slaves for day's wages. Otherwise labourers from without were not usually employed, except in peculiarly unhealthy districts, where it was found advantageous to limit the amount of slaves and to employ hired persons in their room, and for the ingathering of the harvest, for which the regular supply of labour on the farm

[1] In this restricted sense the chaining of slaves, and even of the sons of the family (Dionys. ii. 26), was very old; and accordingly chained field-labourers are mentioned by Cato as exceptions, to whom, as they could not themselves grind, bread had to be supplied instead of grain (56). Even in the times of the empire the chaining of slaves uniformly presents itself as a punishment inflicted definitively by the master, provisionally by the steward (Colum. i. 8; Gai. i. 13; Ulp. i. 11). If, notwithstanding, the tillage of the fields by means of chained slaves appeared in subsequent times as a distinct system, and the labourers' prison (*ergastulum*)—an underground cellar with window-aperatures numerous but narrow and not to be reached from the ground by the hand (Colum. i. 6)—became a necessary part of the farm-buildings, this state of matters was occasioned by the fact that the position of the rural serfs was harder than that of other slaves and therefore those slaves were chiefly taken for it, who had, or seemed to have, committed some offence. That cruel masters, moreover, applied the chains without any occasion to do so, we do not mean to deny, and it is clearly indicated by the circumstance that the law-books do not decree the penalties applicable to slave transgressors against those in chains, but prescribe the punishment of the half-chained. It was precisely the same with branding; it was meant to be, strictly, a punishment; but the whole flock was probably marked (Diodor. xxxv. 5; Bernays, *Phokylides*, p. xxxi.).

did not suffice. At the corn and hay harvests they took in hired reapers, who often instead of wages received from the sixth to the ninth sheaf of the produce reaped, or, if they also thrashed, the fifth of the grain: Umbrian labourers, for instance, went annually in great numbers to the vale of Rieti, to help to gather in the harvest there. The grape and olive harvest was ordinarily let to a contractor, who by means of his men—hired free labourers, or slaves of his own or of others—conducted the gleaning and pressing under the inspection of some persons appointed by the landlord for the purpose, and delivered the produce to the master;[1] very frequently the landlord sold the harvest on the tree or branch, and left the purchaser to look after the ingathering.

Spirit of the system.

The whole system was pervaded by the utter regardlessness characteristic of the power of capital. Slaves and cattle stood on the same level; a good watchdog, it is said in a Roman writer on agriculture, must not be on too friendly terms with his "fellow-slaves." The slave and the ox were fed properly so long as they could work, because it would not have been good economy to let them starve; and they were sold like a worn-out ploughshare when they became unable to work, because in like manner it would not have been good economy to retain them longer. In earlier times religious considerations had here also exercised an alleviating influence, and had released the slave and the plough-ox from labour on the days enjoined for festivals and for rest.[2] Nothing is more characteristic of the spirit

[1] Cato does not expressly say this as to the vintage, but Varro does so (i. 17), and it is implied in the nature of the case. It would have been economically an error to fix the number of the slaves on a property by the standard of the labours of harvest; and least of all, had such been the case, would the grapes have been sold on the tree, which yet was frequently done (Cato, 147).

[2] Columella (ii. 12, 9) reckons to the year on an average 45 rainy days and holidays; with which accords the statement of Tertullian (*De Idolol.* 14), that the number of the heathen festival days did not come up to the

of Cato and those who shared his sentiments than the way in which they inculcated the observance of the holiday in the letter, and evaded it in reality, by advising that, while the plough should certainly be allowed to rest on these days, the slaves should even then be incessantly occupied with other labours not expressly prohibited. On principle no freedom of movement whatever was allowed to them—a slave, so runs one of Cato's maxims, must either work or sleep—and no attempt was ever made to attach the slaves to the estate or to their master by any bond of human sympathy. The letter of the law in all its naked hideousness regulated the relation, and the Romans indulged no illusions as to the consequences. "So many slaves, so many foes," said a Roman proverb. It was an economic maxim, that dissensions among the slaves ought rather to be fostered than suppressed. In the same spirit Plato and Aristotle, and no less strongly the oracle of the landlords, the Carthaginian Mago, caution masters against bringing together slaves of the same nationality, lest they should originate combinations and perhaps conspiracies of their fellow-countrymen. The landlord, as we have already said, governed his slaves exactly in the same way as the Roman community governed its subjects in the "country estates of the Roman people," the provinces; and the world learned by experience, that the ruling state had modelled its new system of government on that of the slave-holder. If, moreover, we have risen to that little-to-be-envied elevation of thought which values no feature of an economy save the capital invested in it, we cannot

fifty days of the Christian festal season from Easter to Whitsunday. To these fell to be added the time of rest in the middle of winter after the completion of the autumnal sowing, which Columella estimates at thirty days. Within this time, doubtless, the moveable "festival of seed-sowing" (*feriae sementivae;* comp. i. 210 and Ovid. *Fast.* i. 661) uniformly occurred. This month of rest must not be confounded with the holidays for holding courts in the season of the harvest (Plin. *Ep.* viii. 21, 2, *et al.*) and vintage.

deny to the management of the Roman estates the praise of consistency, energy, punctuality, frugality, and solidity. The pithy practical husbandman is reflected in Cato's description of the steward, as he ought to be. He is the first on the farm to rise and the last to go to bed; he is strict in dealing with himself as well as with those under him, and knows more especially how to keep the stewardess in order, but is also careful of his labourers and his cattle, and in particular of the ox that draws the plough; he puts his hand frequently to work and to every kind of it, but never works himself weary like a slave; he is always at home, never borrows nor lends, gives no entertainments, troubles himself about no other worship than that of the gods of the hearth and the field, and like a true slave leaves all dealings with the gods as well as with men to his master; lastly and above all, he modestly meets that master and faithfully and simply, without exercising too little or too much of thought, conforms to the instructions which that master has given. He is a bad husbandman, it is elsewhere said, who buys what he can raise on his own land; a bad father of a household, who takes in hand by day what can be done by candle-light, unless the weather be bad; a still worse, who does on a working-day what might be done on a holiday; but worst of all is he, who in good weather allows work to go on within doors instead of in the open air. The characteristic enthusiasm too of high farming is not wanting; and the golden rules are laid down, that the soil was given to the husbandman not to be scoured and swept but to be sown and reaped, and that the farmer therefore ought first to plant vines and olives and only thereafter, and that not too early in life, to build himself a villa. A certain boorishness marks the system, and, instead of the rational investigation of causes and effects, the well-known rules of rustic experience are uniformly brought forward; yet there is an evident endea-

vour to appropriate the experience of others and the products of foreign lands: in Cato's list of the sorts of fruit trees, for instance, Greek, African, and Spanish species appear.

Husbandry of the petty farmers.

The husbandry of the petty farmer differed from that of the estate-holder only or chiefly in its being on a smaller scale. The owner himself and his children in this case worked along with the slaves or in their room. The quantity of cattle was reduced, and, where an estate no longer covered the expenses of the plough and of the yoke that drew it, the hoe formed the substitute. The culture of the olive and the vine was less prominent, or was entirely wanting.

In the vicinity of Rome or of any other large seat of consumption there existed also carefully-irrigated gardens for flowers and vegetables, somewhat similar to those which one now sees around Naples; and these yielded a very abundant return.

Pastoral husbandry.

Pastoral husbandry was prosecuted on a great scale far more than agriculture. An estate in pasture land (*saltus*) had of necessity in every case an area considerably greater than an arable estate—the least allowance was 800 *jugera* —and it might with advantage to the business be almost indefinitely extended. Italy is so situated in respect of climate that the summer pasture in the mountains and the winter pasture in the plains supplement each other: already at that period, just as at the present day, and for the most part probably along the same paths, the flocks and herds were driven in spring from Apulia to Samnium, and in autumn back again from Samnium to Apulia. The winter pasturage, however, as has been already observed, did not take place entirely on ground kept for the purpose, but was partly the grazing of the stubbles. Horses, oxen, asses, and mules were reared, chiefly to supply the animals required by the landowners, carriers, soldiers, and so forth;

herds of swine and of goats also were not neglected. But the almost universal habit of wearing woollen stuffs gave a far greater independence and far higher development to the breeding of sheep. The management was in the hands of slaves, and was on the whole similar to the management of the arable estate, the cattle-master (*magister pecoris*) coming in room of the steward. Throughout the summer the shepherd-slaves lived for the most part not under a roof, but, often miles remote from human habitations, under sheds and sheepfolds; it was necessary therefore that the strongest men should be selected for this employment, that they should be provided with horses and arms, and that they should be allowed far greater freedom of movement than was granted to the slaves on arable estates.

Results. Competition of transmarine corn.

In order to form some estimate of the economic results of this system of husbandry, we must consider the state of prices, and particularly the prices of grain at this period. On an average these were alarmingly low; and that in great measure through the fault of the Roman government, which in this important question was led into the most fearful blunders not so much by its short-sightedness, as by an unpardonable disposition to favour the proletariate of the capital at the expense of the farmers of Italy. The main question here was that of the competition between transmarine and Italian corn. The grain which was delivered by the provincials to the Roman government, sometimes gratuitously, sometimes for a moderate compensation, was in part applied by the government to the maintenance of the Roman official staff and of the Roman armies on the spot, partly given up to the lessees of the *decumae* on condition of their either paying a sum of money for it or of their undertaking to deliver certain quantities of grain at Rome or wherever else it should be required. From the time of the second Macedonian war the Roman armies were uniformly supported by transmarine corn, and, though

this tended to the benefit of the Roman exchequer, it cut off the Italian farmer from an important field of consumption for his produce. This however was the least part of the mischief. The government had long, as was reasonable, kept a watchful eye on the price of grain, and, when there was a threatening of dearth, had interfered by well-timed purchases abroad; and now, when the corn-deliveries of its subjects brought into its hands every year large quantities of grain—larger probably than were needed in times of peace—and when, moreover, opportunities were presented to it of acquiring foreign grain in almost unlimited quantity at moderate prices, there was a natural temptation to glut the markets of the capital with such grain, and to dispose of it at rates which either in themselves or as compared with the Italian rates were ruinously low. Already in the
203-200. years 551–554, and in the first instance apparently at the suggestion of Scipio, 6 *modii* (1½ bush.) of Spanish and African wheat were sold on public account to the citizens of Rome at 24 and even at 12 *asses* (1*s.* 8*d.* or 10*d.*).
196. Some years afterwards (558), more than 240,000 bushels of Sicilian grain were distributed at the latter illusory price in the capital. In vain Cato inveighed against this short-sighted policy: the rise of demagogism had a part in it, and these extraordinary, but presumably very frequent, distributions of grain under the market price by the government or individual magistrates became the germs of the subsequent corn-laws. But, even where the transmarine corn did not reach the consumers in this extraordinary mode, it injuriously affected Italian agriculture. Not only were the masses of grain which the state sold off to the lessees of the tenths beyond doubt acquired under ordinary circumstances by these so cheaply that, when re-sold, they could be disposed of under the price of production; but it is probable that in the provinces, particularly in Sicily—in consequence partly of the favourable

nature of the soil, partly of the extent to which wholesale farming and slave-holding were pursued on the Carthaginian system (ii. 138)—the price of production was in general considerably lower than in Italy, while the transport of Sicilian and Sardinian corn to Latium was at least as cheap as, if not cheaper than, its transport thither from Etruria, Campania, or even northern Italy. In the natural course of things therefore transmarine corn could not but flow to the peninsula, and lower the price of the grain produced there. Under the unnatural disturbance of relations occasioned by the lamentable system of slave-labour, it would perhaps have been justifiable to impose a duty on transmarine corn for the protection of the Italian farmer; but the very opposite course seems to have been pursued, and with a view to favour the import of transmarine corn to Italy, a prohibitive system seems to have been applied in the provinces—for though the Rhodians were allowed to export a quantity of corn from Sicily by way of special favour, the export of grain from the provinces must probably, as a rule, have been free only as regarded Italy, and the transmarine corn must thus have been monopolized for the benefit of the mother-country.

Prices of Italian corn. 250.

The effects of this system are clearly evident. A year of extraordinary fertility like 504—when the people of the capital paid for 6 Roman *modii* ($1\frac{1}{2}$ bush.) of spelt not more than $\frac{3}{5}$ of a *denarius* (about 5*d.*), and at the same price there were sold 180 Roman pounds (a pound = 11 oz.) of dried figs, 60 pounds of oil, 72 pounds of meat, and 6 *congii* ($= 4\frac{1}{2}$ gallons) of wine—is scarcely by reason of its very singularity to be taken into account; but other facts speak more distinctly. Even in Cato's time Sicily was called the granary of Rome. In productive years Sicilian and Sardinian corn was disposed of in the Italian ports for the freight. In the richest corn districts of the peninsula—the modern Romagna and Lombardy—during the time

of Polybius victuals and lodgings in an inn cost on an average half an *as* (½*d.*) per day; a bushel and a half of wheat was there worth half a *denarius* (4*d.*). The latter average price, about the twelfth part of the normal price elsewhere,[1] shows with indisputable clearness that the producers of grain in Italy were wholly destitute of a market for their produce, and in consequence corn and corn-land there were almost valueless.

Revolution in Roman agriculture.

In a great industrial state, whose agriculture cannot feed its population, such a result might perhaps be regarded as useful or at any rate as not absolutely injurious; but a country like Italy, where manufactures were inconsiderable and agriculture was altogether the mainstay of the state, was in this way systematically ruined, and the welfare of the nation as a whole was sacrificed in the most shameful fashion to the interests of the essentially unproductive population of the capital, to which in fact bread could never become too cheap. Nothing perhaps evinces so clearly as this, how wretched was the constitution and how incapable was the administration of this so-called golden age of the republic. Any representative system, however meagre, would have led at least to serious

[1] The medium price of grain in the capital may be assumed at least for the seventh and eighth centuries of Rome at one *denarius* for the Roman *modius*, or 2*s.* 8*d.* per bushel of wheat, for which there is now paid (according to the average of the prices in the provinces of Brandenburg and Pomerania from 1816 to 1841) about 3*s.* 5*d.* Whether this not very considerable difference between the Roman and the modern prices depends on a rise in the value of corn or on a fall in the value of silver, can hardly be decided.

It is very doubtful, perhaps, whether in the Rome of this and of later times the prices of corn really fluctuated more than is the case in modern times. If we compare prices like those quoted above, of 4*d.* and 5*d.* for the bushel and a half, with those of the worst times of war-dearth and famine—such as in the second Punic war when the same quantity rose to 9*s.* 7*d.* (1 *medimnus*=15 *drachmae;* Polyb. ix. 44), in the civil war to 19*s.* 2*d.* (1 *modius*=5 *denarii;* Cic. *Verr.* iii. 92, 214), in the great dearth under Augustus, even to 21*s.* 3*d.* (5 *modii*=27½ *denarii;* Euseb. *Chron. p. Chr.* 7, *Scal.*)—the difference is indeed immense; but such extreme cases are but little instructive, and might in either direction be found recurring under the like conditions at the present day.

complaints and to a perception of the seat of the evil; but in those primary assemblies of the burgesses anything was listened to sooner than the warning voice of a foreboding patriot. Any government that deserved the name would of itself have interfered; but the mass of the Roman senate probably with well-meaning credulity regarded the low prices of grain as a real blessing for the people, and the Scipios and Flamininuses had, forsooth, more important things to do—to emancipate the Greeks, and to exercise the functions of republican kings. So the ship drove on unhindered towards the breakers.

Decay of the farmers.

When the small holdings ceased to yield any substantial clear return, the farmers were irretrievably ruined, and the more so that they gradually, although more slowly than the other classes, lost the moral tone and frugal habits of the earlier ages of the republic. It was merely a question of time, how rapidly the hides of the Italian farmers would, by purchase or by resignation, become merged in the larger estates.

The landlord was better able to maintain himself than the farmer. The former produced at a cheaper rate than the latter, when, instead of letting his land according to the older system to petty temporary lessees, he caused it according to the newer system to be cultivated by his slaves. Accordingly, where this course had not been adopted even at an earlier period (ii. 77), the competition of Sicilian slave-corn compelled the Italian landlord to follow it, and to have the work performed by slaves without wife or child instead of families of free labourers. The landlord, moreover, could hold his ground better against competitors by means of improvements or changes in cultivation, and he could content himself with a smaller return from the soil than the farmer, who wanted capital and intelligence and who merely had what was requisite for his subsistence. Hence the Roman landholder com-

paratively neglected the culture of grain—which in many cases seems to have been restricted to the raising of the quantity required for the staff of labourers[1]—and gave increased attention to the production of oil and wine as well as to the breeding of cattle. These, under the favourable climate of Italy, had no need to fear foreign competition; Italian wine, Italian oil, Italian wool not only commanded the home markets, but were soon sent abroad; the valley of the Po, which could find no consumption for its corn, provided the half of Italy with swine and bacon. With this the statements that have reached us as to the economic results of the Roman husbandry very well agree. There is some ground for assuming that capital invested in land was reckoned to yield a good return at 6 per cent; this appears to accord with the average interest of capital at this period, which was about twice as much. The rearing of cattle yielded on the whole better results than arable husbandry: in the latter the vineyard gave the best return, next came the vegetable garden and the olive orchard, while meadows and corn-fields yielded least.[2]

Culture of oil and wine, and rearing of cattle.

[1] Accordingly Cato calls the two estates, which he describes, summarily "olive-plantation" (*olivetum*) and "vineyard" (*vinea*), although not wine and oil merely, but grain also and other products were cultivated there. If indeed the 800 *culei*, for which the possessor of the vineyard is directed to provide himself with casks (11), formed the maximum of a year's vintage, the whole of the 100 *jugera* must have been planted with vines, because a produce of 8 *culei* per *jugerum* was almost unprecedented (Colum. iii. 3); but Varro (i. 22) understood, and evidently with reason, the statement to apply to the case of the possessor of a vineyard who found it necessary to make the new vintage before he had sold the old.

[2] That the Roman landlord made on an average 6 per cent from his capital, may be inferred from Columella, iii. 3, 9. We have a more precise estimate of the expense and produce only in the case of the vineyard, for which Columella gives the following calculation of the cost per *jugerum*:—

Price of the ground	1000 sesterces.
Price of the slaves who work it (proportion to *jugerum*)	1143 "
Vines and stakes	2000 "
Loss of interest during the first two years	497 "
Total	4640 sesterces = £47.

It is of course presumed that each species of husbandry was prosecuted under the conditions that suited it, and on the soil which was adapted to its nature. These circumstances were already in themselves sufficient to supersede the husbandry of the petty farmer gradually by the system of farming on a great scale; and it was difficult by means of legislation to counteract them. But an injurious effect was produced by the Claudian law to be mentioned after-

He calculates the produce as at any rate 60 *amphorae*, worth at least 900 sesterces (£9), which would thus represent a return of 17 per cent. But this is somewhat illusory, as, apart from bad harvests, the cost of gathering in the produce (p. 71), and the expenses of the maintenance of the vines, stakes, and slaves, are omitted from the estimate.

The gross produce of meadow, pasture, and forest is estimated by the same agricultural writer as, at most, 100 sesterces per *jugerum*, and that of corn land as less rather than more: in fact, the average return of 25 *modii* of wheat per *jugerum* gives, according to the average price in the capital of 1 *denarius* per *modius*, not more than 100 sesterces for the gross proceeds, and at the seat of production the price must have been still lower. Varro (iii. 2) reckons as a good ordinary gross return for a larger estate 150 sesterces per *jugerum*. Estimates of the corresponding expense have not reached us: as a matter of course, the management in this instance cost much less than in that of a vineyard.

All these statements, moreover, date from a century or more after Cato's death. From him we have only the general statement that the breeding of cattle yielded a better return than agriculture (*ap.* Cicero, *De Off.* ii. 25, 89; Colum. vi. *praef.* 4, comp. ii. 16, 2; Plin. *H. N.* xviii. 5, 30; Plutarch, *Cato*, 21); which of course is not meant to imply that it was everywhere advisable to convert arable land into pasture, but is to be understood relatively as signifying that the capital invested in the rearing of flocks and herds on mountain pastures and other suitable pasture-land yielded, as compared with capital invested in cultivating suitable corn land, a higher interest. Perhaps the circumstance has been also taken into account in the calculation, that the want of energy and intelligence in the landlord operates far less injuriously in the case of pasture-land than in the highly-developed culture of the vine and olive. On an arable estate, according to Cato, the returns of the soil stood as follows in a descending series:—1, vineyard; 2, vegetable garden; 3, osier copse, which yielded a large return in consequence of the culture of the vine; 4, olive plantation; 5, meadow yielding hay; 6, corn fields; 7, copse; 8, wood for felling; 9, oak forest for forage to the cattle; all of which nine elements enter into the scheme of husbandry for Cato's model estates.

The higher net return of the culture of the vine as compared with that of corn is attested also by the fact, that under the award pronounced in the arbitration between the city of Genua and the villages tributary to it in 637 the city received a sixth of wine, and a twentieth of grain, as quitrent. 117.

218. wards (shortly before 536), which excluded the senatorial houses from mercantile speculation, and thereby artificially compelled them to invest their enormous capitals mainly in land or, in other words, to replace the old homesteads of the farmers by estates under the management of land-stewards and by pastures for cattle. Moreover special circumstances tended to favour cattle-husbandry as contrasted with agriculture, although the former was far more injurious to the state. First of all, this form of extracting profit from the soil—the only one which in reality demanded and rewarded operations on a great scale—was alone in keeping with the mass of capital and with the spirit of the capitalists of this age. An estate under cultivation, although not demanding the presence of the master constantly, required his frequent appearance on the spot, while the circumstances did not well admit of his extending the estate or of his multiplying his possessions except within narrow limits; whereas an estate under pasture admitted of unlimited extension, and claimed little of the owner's attention. For this reason men already began to convert good arable land into pasture even at an economic loss—a practice which was prohibited by legislation (we know not when, perhaps about this period) but hardly with success. The growth of pastoral husbandry was favoured also by the occupation of domain-land. As the portions so occupied were ordinarily large, the system gave rise almost exclusively to great estates; and not only so, but the occupiers of these possessions, which might be resumed by the state at pleasure and were in law always insecure, were afraid to invest any considerable amount in their cultivation—by planting vines for instance, or olives. The consequence was, that these lands were mainly turned to account as pasture.

Management of money

We are prevented from giving a similar comprehensive view of the moneyed economy of Rome, partly by the

want of special treatises descending from Roman antiquity on the subject, partly by its very nature which was far more complex and varied than that of the Roman husbandry. So far as can be ascertained, its principles were, still less perhaps than those of husbandry, the peculiar property of the Romans; on the contrary, they were the common heritage of all ancient civilization, under which, as under that of modern times, the operations on a great scale naturally were everywhere much alike. In money matters especially the mercantile system appears to have been established in the first instance by the Greeks, and to have been simply adopted by the Romans. Yet the precision with which it was carried out and the magnitude of the scale on which its operations were conducted were so peculiarly Roman, that the spirit of the Roman economy and its grandeur whether for good or evil are pre-eminently conspicuous in its monetary transactions.

Money-lending.

The starting-point of the Roman moneyed economy was of course money-lending; and no branch of commercial industry was more zealously prosecuted by the Romans than the trade of the professional money-lender (*fenerator*) and of the money-dealer or banker (*argentarius*). The transference of the charge of the larger monetary transactions from the individual capitalists to the mediating banker, who receives and makes payments for his customers, invests and borrows money, and conducts their money dealings at home and abroad—which is the mark of a developed monetary economy—was already completely carried out in the time of Cato. The bankers, however, were not only the cashiers of the rich in Rome, but everywhere insinuated themselves into minor branches of business and settled in ever-increasing numbers in the provinces and dependent states. Already throughout the whole range of the empire the business of making advances

to those who wanted money began to be, so to speak, monopolized by the Romans.

Speculation of contractors.

Closely connected with this was the immeasurable field of enterprise. The system of transacting business through mediate agency pervaded the whole dealings of Rome. The state took the lead by letting all its more complicated revenues and all contracts for furnishing supplies and executing buildings to capitalists, or associations of capitalists, for a fixed sum to be given or received. But private persons also uniformly contracted for whatever admitted of being done by contract—for buildings, for the ingathering of the harvest (p. 71), and even for the partition of an inheritance among the heirs or the winding up of a bankrupt estate; in which case the contractor—usually a banker—received the whole assets, and engaged on the other hand to settle the liabilities in full or up to a certain percentage and to pay the balance as the circumstances required.

Commerce.

The prominence of transmarine commerce at an early period in the Roman national economy has already been adverted to in its proper place. The further stimulus, which it received during the present period, is attested by the increased importance of the Italian customs-duties in the Roman financial system (p. 19). In addition to the causes of this increase in the importance of transmarine commerce which need no further explanation, it was artificially promoted by the privileged position which the ruling Italian nation assumed in the provinces, and by the exemption from customs-dues which was probably even now in many of the client-states conceded by treaty to the Romans and Latins.

Manufacturing industry.

On the other hand, industry remained comparatively undeveloped. Trades were no doubt indispensable, and there appear indications that to a certain extent they were concentrated in Rome; Cato, for instance, advises the

Campanian landowner to purchase the slaves' clothing and shoes, the ploughs, vats, and locks, which he may require, in Rome. From the great consumption of woollen stuffs the manufacture of cloth must undoubtedly have been extensive and lucrative.[1] But no endeavours were apparently made to transplant to Italy any such professional industry as existed in Egypt and Syria, or even merely to carry it on abroad with Italian capital. Flax indeed was cultivated in Italy and purple dye was prepared there, but the latter branch of industry at least belonged essentially to the Greek Tarentum, and probably the import of Egyptian linen and Milesian or Tyrian purple even now preponderated everywhere over the native manufacture.

Under this category, however, falls to some extent the leasing or purchase by Roman capitalists of landed estates beyond Italy, with a view to carry on the cultivation of grain and the rearing of cattle on a great scale. This species of speculation, which afterwards developed to proportions so enormous, probably began particularly in Sicily, within the period now before us; seeing that the commercial restrictions imposed on the Siceliots (ii. 210), if not introduced for the very purpose, must have at least tended to give to the Roman speculators, who were exempt from such restrictions, a sort of monopoly of the profits derivable from land.

Management of business by slaves.

Business in all these different branches was uniformly carried on by means of slaves. The money-lenders and bankers instituted, throughout the range of their business, additional counting-houses and branch banks under the direction of their slaves and freedmen. The company, which had leased the customs-duties from the state, ap-

[1] The industrial importance of the Roman cloth-making is evident from the remarkable part which is played by the fullers in Roman comedy. The profitable nature of the fullers' pits is attested by Cato (*ap.* Plutarch, *Cat* 21).

pointed chiefly its slaves and freedmen to levy them at each custom-house. Every one who took contracts for buildings bought architect-slaves; every one who undertook to provide spectacles or gladiatorial games on account of those giving them purchased or trained a company of slaves skilled in acting, or a band of serfs expert in the trade of fighting. The merchant imported his wares in vessels of his own under the charge of slaves or freedmen, and disposed of them by the same means in wholesale or retail. We need hardly add that the working of mines and manufactories was conducted entirely by slaves. The situation of these slaves was, no doubt, far from enviable, and was throughout less favourable than that of slaves in Greece; but, if we leave out of account the classes last mentioned, the industrial slaves found their position on the whole more tolerable than the rural serfs. They had more frequently a family and a practically independent household, with no remote prospect of obtaining freedom and property of their own. Hence such positions formed the true training school of those upstarts from the servile class, who by menial virtues and often by menial vices rose to the rank of Roman citizens and not seldom attained great prosperity, and who morally, economically, and politically contributed at least as much as the slaves themselves to the ruin of the Roman commonwealth.

Extent of Roman mercantile transactions.

The Roman mercantile transactions of this period fully kept pace with the contemporary development of political power, and were no less grand of their kind. Any one who wishes to have a clear idea of the activity of the traffic with other lands, needs only to look into the literature, more especially the comedies, of this period, in which the Phoenician merchant is brought on the stage speaking Phoenician, and the dialogue swarms with Greek and half Greek words and phrases. But the extent and zealous

prosecution of Roman business-dealings may be traced most distinctly by means of coins and monetary relations. The Roman *denarius* quite kept pace with the Roman legions. We have already mentioned (ii. 211) that the Sicilian mints—last of all that of Syracuse in 542—were closed or at any rate restricted to small money in consequence of the Roman conquest, and that in Sicily and Sardinia the *denarius* obtained legal circulation at least side by side with the older silver currency and probably very soon became the exclusive legal tender. With equal if not greater rapidity the Roman silver coinage penetrated into Spain, where the great silver-mines existed and there was virtually no earlier national coinage; at a very early period the Spanish towns even began to coin after the Roman standard (ii. 385). On the whole, as Carthage coined only to a very limited extent (ii. 153), there existed not a single important mint in addition to that of Rome in the region of the western Mediterranean, with the exception of that of Massilia and perhaps also those of the Illyrian Greeks in Apollonia and Dyrrhachium. Accordingly, when the Romans began to establish themselves in the region of the Po, these mints were about 525 subjected to the Roman standard in such a way, that, while they retained the right of coining silver, they uniformly—and the Massiliots in particular—were led to adjust their *drachma* to the weight of the Roman three-quarter *denarius*, which the Roman government on its part began to coin, primarily for the use of Upper Italy, under the name of the "coin of victory" (*victoriatus*). This new system, dependent on the Roman, not merely prevailed throughout the Massiliot, Upper Italian, and Illyrian territories; but these coins even penetrated into the barbarian lands on the north, those of Massilia, for instance, into the Alpine districts along the whole basin of the Rhone, and those of Illyria as far as the modern Transylvania. The eastern half of the Mediter-

Coins and moneys.

212.

229.

ranean was not yet reached by the Roman money, as it had not yet fallen under the direct sovereignty of Rome; but its place was filled by gold, the true and natural medium for international and transmarine commerce. It is true that the Roman government, in conformity with its strictly conservative character, adhered—with the exception of a temporary coinage of gold occasioned by the financial embarrassment during the Hannibalic war (ii. 343)—steadfastly to the rule of coining silver only in addition to the national-Italian copper; but commerce had already assumed such dimensions, that it was able even in the absence of money to conduct its transactions with gold by weight. Of
157 the sum in cash, which lay in the Roman treasury in 597, scarcely a sixth was coined or uncoined silver, five-sixths consisted of gold in bars,[1] and beyond doubt the precious metals were found in all the chests of the larger Roman capitalists in substantially similar proportions. Already therefore gold held the first place in great transactions; and, as may be further inferred from this fact, in general commerce the preponderance belonged to that carried on with foreign lands, and particularly with the east, which since the times of Philip and Alexander the Great had adopted a gold currency.

Roman wealth.

The whole gain from these immense transactions of the Roman capitalists flowed in the long run to Rome; for, much as they went abroad, they were not easily induced to settle permanently there, but sooner or later returned to Rome, either realizing their gains and investing them in Italy, or continuing to carry on business from Rome as a centre by means of the capital and connections which they had acquired. The moneyed superiority of Rome as compared with the rest of the civilized world was, accordingly,

[1] There were in the treasury 17,410 Roman pounds of gold, 22,070 pounds of uncoined, and 18,230 pounds of coined, silver. The legal ratio of gold to silver was: 1 pound of gold = 4000 sesterces, or 1 : 11.91.

quite as decided as its political and military ascendency. Rome in this respect stood towards other countries somewhat as the England of the present day stands towards the Continent—a Greek, for instance, observes of the younger Scipio Africanus, that he was not rich "for a Roman." We may form some idea of what was considered as riches in the Rome of those days from the fact, that Lucius Paullus with an estate of 60 talents (£14,000) was not reckoned a wealthy senator, and that a dowry—such as each of the daughters of the elder Scipio Africanus received—of 50 talents (£12,000) was regarded as a suitable portion for a maiden of quality, while the estate of the wealthiest Greek of this century was not more than 300 talents (£72,000).

Mercantile spirit.

It was no wonder, accordingly, that the mercantile spirit took possession of the nation, or rather—for that was no new thing in Rome—that the spirit of the capitalist now penetrated and pervaded all other aspects and stations of life, and agriculture as well as the government of the state began to become enterprises of capitalists. The preservation and increase of wealth quite formed a part of public and private morality. "A widow's estate may diminish;" Cato wrote in the practical instructions which he composed for his son, "a man must increase his means, and he is deserving of praise and full of a divine spirit, whose account-books at his death show that he has gained more than he has inherited." Wherever, therefore, there was giving and counter-giving, every transaction although concluded without any sort of formality was held as valid, and in case of necessity the right of action was accorded to the party aggrieved if not by the law, at any rate by mercantile custom and judicial usage;[1] but the pro-

[1] On this was based the actionable character of contracts of buying, hiring, and partnership, and, in general, the whole system of non-formal actionable contracts.

mise of a gift without due form was null alike in legal theory and in practice. In Rome, Polybius tells us, nobody gives to any one unless he must do so, and no one pays a penny before it falls due, even among near relatives. The very legislation yielded to this mercantile morality, which regarded all giving away without recompense as squandering; the giving of presents and bequests and the undertaking of sureties were subjected to restriction at this period by decree of the burgesses, and heritages, if they did not fall to the nearest relatives, were at least taxed. In the closest connection with such views mercantile punctuality, honour, and respectability pervaded the whole of Roman life. Every ordinary man was morally bound to keep an account-book of his income and expenditure—in every well-arranged house, accordingly, there was a separate account-chamber (*tablinum*)—and every one took care that he should not leave the world without having made his will: it was one of the three matters in his life which Cato declares that he regretted, that he had been a single day without a testament. Those household books were universally by Roman usage admitted as valid evidence in a court of justice, nearly in the same way as we admit the evidence of a merchant's ledger. The word of a man of unstained repute was admissible not merely against himself, but also in his own favour; nothing was more common than to settle differences between persons of integrity by means of an oath demanded by the one party and taken by the other—a mode of settlement which was reckoned valid even in law; and a traditional rule enjoined the jury, in the absence of evidence, to give their verdict in the first instance for the man of unstained character when opposed to one who was less reputable, and only in the event of both parties being of equal repute to give it in favour of the defendant.[1] The

[1] The chief passage as to this point is the fragment of Cato in Gellius, xiv. 2. In the case of the *obligatio litteris* also, *i.e.* a claim based solely

conventional respectability of the Romans was especially apparent in the more and more strict enforcement of the rule, that no respectable man should allow himself to be paid for the performance of personal services. Accordingly, magistrates, officers, jurymen, guardians, and generally all respectable men entrusted with public functions, received no other recompense for the services which they rendered than, at most, compensation for their outlays; and not only so, but the services which acquaintances (*amici*) rendered to each other—such as giving security, representation in lawsuits, custody (*depositum*), lending the use of objects not intended to be let on hire (*commodatum*), the managing and attending to business in general (*procuratio*)—were treated according to the same principle, so that it was unseemly to receive any compensation for them and an action was not allowable even where a compensation had been promised. How entirely the man was merged in the merchant, appears most distinctly perhaps in the substitution of a money-payment and an action at law for the duel—even for the political duel—in the Roman life of this period. The usual form of settling questions of personal honour was this: a wager was laid between the offender and the party offended as to the truth or falsehood of the offensive assertion, and under the shape of an action for the stake the question of fact was submitted in due form of law to a jury; the acceptance of such a wager when offered by the offended or offending party was, just like the acceptance of a challenge to a duel at the present day, left open in law, but was often in point of honour not to be avoided.

on the entry of a debt in the account-book of the creditor, this legal regard paid to the personal credibility of the party, even where his testimony in his own cause is concerned, affords the key of explanation; and hence it happened that in later times, when this mercantile repute had vanished from Roman life, the *obligatio litteris*, while not exactly abolished, fell of itself into desuetude.

Associations.

One of the most important consequences of this mercantile spirit, which displayed itself with an intensity hardly conceivable by those not engaged in business, was the extraordinary impulse given to the formation of associations. In Rome this was especially fostered by the system already often mentioned whereby the government had its business transacted through middlemen: for from the extent of the transactions it was natural, and it was doubtless often required by the state for the sake of greater security, that capitalists should undertake such leases and contracts not as individuals, but in partnership. All great dealings were organized on the model of these state-contracts. Indications are even found of the occurrence among the Romans of that feature so characteristic of the system of association—a coalition of rival companies in order jointly to establish monopolist prices.[1] In transmarine transactions more especially and such as were otherwise attended with considerable risk, the system of partnership was so extensively adopted, that it practically took the place of insurances, which were unknown to antiquity. Nothing was more common than the nautical loan, as it was called—the modern "bottomry"—by which the risk and gain of transmarine traffic were proportionally distributed among the owners of the vessel and cargo and all the capitalists advancing money for the voyage. It was, however, a general rule of Roman economy that one should

[1] In the remarkable model contract given by Cato (141) for the letting of the olive harvest, there is the following paragraph :—

"None [of the persons desirous to contract on the occasion of letting] shall withdraw, for the sake of causing the gathering and pressing of the olives to be let at a dearer rate; except when [the joint bidder] immediately names [the other bidder] as his partner. If this rule shall appear to have been infringed, all the partners [of the company with which the contract has been concluded] shall, if desired by the landlord or the overseer appointed by him, take an oath [that they have not conspired in this way to prevent competition]. If they do not take the oath, the stipulated price is not to be paid." It is tacitly assumed that the contract is taken by a company, not by an individual capitalist.

rather take small shares in many speculations than speculate independently; Cato advised the capitalist not to fit out a single ship with his money, but in concert with forty-nine other capitalists to send out fifty ships and to take an interest in each to the extent of a fiftieth part. The greater complication thus introduced into business was overcome by the Roman merchant through his punctual laboriousness and his system of management by slaves and freedmen—which, regarded from the point of view of the pure capitalist, was far preferable to our counting-house system. Thus these mercantile companies, with their hundred ramifications, largely influenced the economy of every Roman of note. There was, according to the testimony of Polybius, hardly a man of means in Rome who had not been concerned as an avowed or silent partner in leasing the public revenues; and much more must each have invested on an average a considerable portion of his capital in mercantile associations generally.

All this laid the foundation for that endurance of Roman wealth, which was perhaps still more remarkable than its magnitude. The phenomenon, unique perhaps of its kind, to which we have already called attention (p. 15)—that the standing of the great clans remained almost the same throughout several centuries—finds its explanation in the somewhat narrow but solid principles on which they managed their mercantile property.

Moneyed aristocracy.

In consequence of the one-sided prominence assigned to capital in the Roman economy, the evils inseparable from a pure capitalist system could not fail to appear.

Civil equality, which had already received a fatal wound through the rise of the ruling order of lords, suffered an equally severe blow in consequence of the line of social demarcation becoming more and more distinctly drawn between the rich and the poor. Nothing more effectually promoted this separation in a downward direction than the

already-mentioned rule—apparently a matter of indifference, but in reality involving the utmost arrogance and insolence on the part of the capitalists—that it was disgraceful to take money for work; a wall of partition was thus raised not merely between the common day-labourer or artisan and the respectable landlord or manufacturer, but also between the soldier or subaltern and the military tribune, and between the clerk or messenger and the magistrate. In an upward direction a similar barrier was raised by the Claudian law suggested by Gaius Flaminius (shortly before
218. 536), which prohibited senators and senators' sons from possessing sea-going vessels except for the transport of the produce of their estates, and probably also from participating in public contracts—forbidding them generally from carrying on whatever the Romans included under the head of "speculation" (*quaestus*).[1] It is true that this enactment was not called for by the senators; it was on the contrary a work of the democratic opposition, which perhaps desired in the first instance merely to prevent the evil of members of the governing class personally entering into dealings with the government. It may be, moreover, that the capitalists in this instance, as so often afterwards, made common cause with the democratic party, and seized the opportunity of diminishing competition by the exclusion of the senators. The former object was, of course, only very imperfectly attained, for the system of partnership opened up to the senators ample facilities for continuing to speculate in secret; but this decree of the people drew a legal line of demarcation between those men of quality who did not speculate at all or at any rate not openly and

[1] Livy (xxi. 63; comp. Cic. *Verr.* v. 18, 45) mentions only the enactment as to the sea-going vessels; but Asconius (*in Or. in toga cand.* p. 94, *Orell.*) and Dio. (lv. 10, 5) state that the senator was also forbidden by law to undertake state-contracts (*redemptiones*); and, as according to Livy "all speculation was considered unseemly for a senator," the Claudian law probably reached further than he states.

those who did, and it placed alongside of the aristocracy which was primarily political an aristocracy which was purely moneyed—the equestrian order, as it was afterwards called, whose rivalries with the senatorial order fill the history of the following century.

Sterility of the capitalist question.

A further consequence of the one-sided power of capital was the disproportionate prominence of those branches of business which were the most sterile and the least productive for the national economy as a whole. Industry, which ought to have held the highest place, in fact occupied the lowest. Commerce flourished; but it was universally passive, importing, but not exporting. Not even on the northern frontier do the Romans seem to have been able to give merchandise in exchange for the slaves, who were brought in numbers from the Celtic and probably even from the Germanic territories to Ariminum and the other markets of northern Italy; at least as early as 523 the 231.
export of silver money to the Celtic territory was prohibited by the Roman government. In the intercourse with Greece, Syria, Egypt, Cyrene, and Carthage, the balance of trade was necessarily unfavourable to Italy. Rome began to become the capital of the Mediterranean states, and Italy to become the suburbs of Rome; the Romans had no wish to be anything more, and in their opulent indifference contented themselves with a passive commerce, such as every city which is nothing more than a capital necessarily carries on—they possessed, forsooth, money enough to pay for everything which they needed or did not need. On the other hand the most unproductive of all sorts of business, the traffic in money and the farming of the revenue, formed the true mainstay and stronghold of the Roman economy. And, lastly, whatever elements that economy had contained for the production of a wealthy middle class, and of a lower one making enough for its subsistence, were extinguished by the unhappy system of

employing slaves, or, at the best, contributed to the multiplication of the troublesome order of freedmen.

The capitalists and public opinion.

But above all the deep-rooted immorality, which is inherent in an economy of pure capital, ate into the heart of society and of the commonwealth, and substituted an absolute selfishness for humanity and patriotism. The better portion of the nation were very keenly sensible of the seeds of corruption which lurked in that system of speculation; and the instinctive hatred of the great multitude, as well as the displeasure of the well-disposed statesman, was especially directed against the trade of the professional money-lender, which for long had been subjected to penal laws and still continued under the letter of the law amenable to punishment. In a comedy of this period the money-lender is told that the class to which he belongs is on a parallel with the *lenones*—

> *Eodem hercle vos pono et paro; parissumi estis ibus.*
> *Hi saltem in occultis locis prostant: vos in foro ipso.*
> *Vos fenore, hi male suadendo et lustris lacerant homines.*
> *Rogitationes plurimas propter vos populus scivit,*
> *Quas vos rogatas rumpitis; aliquam reperitis rimam.*
> *Quasi aquam ferventem frigidam esse, ita vos putatis leges.*

Cato the leader of the reform party expresses himself still more emphatically than the comedian. "Lending money at interest," he says in the preface to his treatise on agriculture, "has various advantages; but it is not honourable. Our forefathers accordingly ordained, and inscribed it among their laws, that the thief should be bound to pay twofold, but the man who takes interest fourfold, compensation; whence we may infer how much worse a citizen they deemed the usurer than the thief." There is no great difference, he elsewhere considers, between a money-lender and a murderer; and it must be allowed that his acts did not fall short of his words—when governor of Sardinia, by his rigorous administration of the law he drove the Roman bankers to their wits' end. The

great majority of the ruling senatorial order regarded the system of the speculators with dislike, and not only conducted themselves in the provinces on the whole with more integrity and honour than these moneyed men, but often acted as a restraint on them. The frequent changes of the Roman chief magistrates, however, and the inevitable inequality in their mode of handling the laws, necessarily abated the effort to check such proceedings.

Reaction of the capitalist system on agriculture.

The Romans perceived moreover—as it was not difficult to perceive—that it was of far more consequence to give a different direction to the whole national economy than to exercise a police control over speculation; it was such views mainly that men like Cato enforced by precept and example on the Roman agriculturist. "When our forefathers," continues Cato in the preface just quoted, "pronounced the eulogy of a worthy man, they praised him as a worthy farmer and a worthy landlord; one who was thus commended was thought to have received the highest praise. The merchant I deem energetic and diligent in the pursuit of gain; but his calling is too much exposed to perils and mischances. On the other hand farmers furnish the bravest men and the ablest soldiers; no calling is so honourable, safe, and free from odium as theirs, and those who occupy themselves with it are least liable to evil thoughts." He was wont to say of himself, that his property was derived solely from two sources—agriculture and frugality; and, though this was neither very logical in thought nor strictly conformable to the truth,[1] yet Cato was not unjustly regarded by his contem-

[1] Cato, like every other Roman, invested a part of his means in the breeding of cattle, and in commercial and other undertakings. But it was not his habit directly to violate the laws; he neither speculated in state-leases—which as a senator he was not allowed to do—nor practised usury. It is an injustice to charge him with a practice in the latter respect at variance with his theory; the *fenus nauticum*, in which he certainly engaged, was not a branch of usury prohibited by the law; it

poraries and by posterity as the model of a Roman landlord. Unhappily it is a truth as remarkable as it is painful, that this husbandry, commended so much and certainly with so entire good faith as a remedy, was itself pervaded by the poison of the capitalist system. In the case of pastoral husbandry this was obvious; for that reason it was most in favour with the public and least in favour with the party desirous of moral reform. But how stood the case with agriculture itself? The warfare, which from the third onward to the fifth century capital had waged against labour, by withdrawing under the form of interest on debt the revenues of the soil from the working farmers and bringing them into the hands of the idly consuming fundholder, had been settled chiefly by the extension of the Roman economy and the throwing of the capital which existed in Latium into the field of mercantile activity opened up throughout the range of the Mediterranean. Now even the extended field of business was no longer able to contain the increased mass of capital; and an insane legislation laboured simultaneously to compel the investment of senatorial capital by artificial means in Italian estates, and systematically to reduce the value of the arable land of Italy by interference with the prices of grain. Thus there began a second campaign of capital against free labour or—what was substantially the same thing in antiquity—against the small farmer system; and, if the first had been bad, it yet seemed mild and humane as compared with the second. The capitalists no longer lent to the farmer at interest—a course, which in itself was not now practicable because the petty landholder no longer aimed at any considerable surplus, and was moreover not sufficiently simple and radical—but they bought up the farms and converted them, at the best, into estates managed

really formed an essential part of the business of chartering and freighting vessels.

by stewards and worked by slaves. This likewise was called agriculture; it was essentially the application of the capitalist system to the production of the fruits of the soil. The description of the husbandmen, which Cato gives, is excellent and quite just; but how does it correspond to the system itself, which he portrays and recommends? If a Roman senator, as must not unfrequently have been the case, possessed four such estates as that described by Cato, the same space, which in the olden time when small holdings prevailed had supported from 100 to 150 farmers' families, was now occupied by one family of free persons and about 50, for the most part unmarried, slaves. If this was the remedy by which the decaying national economy was to be restored to vigour, it bore, unhappily, an aspect of extreme resemblance to the disease.

Development of Italy.

The general result of this system is only too clearly obvious in the changed proportions of the population. It is true that the condition of the various districts of Italy was very unequal, and some were even prosperous. The farms, instituted in great numbers in the region between the Apennines and the Po at the time of its colonization, did not so speedily disappear. Polybius, who visited that quarter not long after the close of the present period, commends its numerous, handsome, and vigorous population: with a just legislation as to corn it would doubtless have been possible to make the basin of the Po, and not Sicily the granary of the capital. In like manner Picenum and the so-called *ager Gallicus* acquired a numerous body of farmers through the distributions of domain-land consequent on the Flaminian law of 522—a body, however, 232. which was sadly reduced in the Hannibalic war. In Etruria, and perhaps also in Umbria, the internal condition of the subject communities was unfavourable to the flourishing of a class of free farmers. Matters were

better in Latium—which could not be entirely deprived of the advantages of the market of the capital, and which had on the whole been spared by the Hannibalic war—as well as in the secluded mountain-valleys of the Marsians and Sabellians. On the other hand the Hannibalic war had fearfully devastated southern Italy and had ruined, in addition to a number of smaller townships, its two largest cities, Capua and Tarentum, both once able to send into the field armies of 30,000 men. Samnium had recovered from the severe wars of the fifth century: according to the
225. census of 529 it was in a position to furnish half as many men capable of arms as all the Latin towns, and it was probably at that time, next to the *ager Romanus*, the most flourishing region of the peninsula. But the Hannibalic war had desolated the land afresh, and the assignations of land in that quarter to the soldiers of Scipio's army, although considerable, probably did not cover the loss. Campania and Apulia, both hitherto well-peopled regions, were still worse treated in the same war by friend and foe. In Apulia, no doubt, assignations of land took place afterwards, but the colonies instituted there were not successful. The beautiful plain of Campania remained more populous; but the territory of Capua and of the other communities broken up in the Hannibalic war became state-property, and the occupants of it were uniformly not proprietors, but petty temporary lessees. Lastly, in the wide Lucanian and Bruttian territories the population, which was already very thin before the Hannibalic war, was visited by the whole severity of the war itself and of the penal executions that followed in its train; nor was much done on the part of Rome to revive the agriculture there—with the exception perhaps of Valentia (Vibo, now Monteleone), none of the colonies established there attained real prosperity.

With every allowance for the inequality in the political

and economic circumstances of the different districts and for the comparatively flourishing condition of several of them, the retrogression is yet on the whole unmistakeable, and it is confirmed by the most indisputable testimonies as to the general condition of Italy. Cato and Polybius agree in stating that Italy was at the end of the sixth century far weaker in population than at the end of the fifth, and was no longer able to furnish armies so large as in the first Punic war. The increasing difficulty of the levy, the necessity of lowering the qualification for service in the legions, and the complaints of the allies as to the magnitude of the contingents to be furnished by them, confirm these statements; and, in the case of the Roman burgesses, the numbers tell the same tale. In 502, shortly after the expedition of Regulus to Africa, they amounted to 298,000 men capable of bearing arms; thirty years later, shortly before the commencement of the Hannibalic war (534), they had fallen off to 270,000, or about a tenth, and again twenty years after that, shortly before the end of the same war (550), to 214,000, or about a fourth; and a generation afterwards—during which no extraordinary losses occurred, but the institution of the great burgess-colonies in the plain of northern Italy in particular occasioned a perceptible and exceptional increase—the numbers of the burgesses had hardly again reached the point at which they stood at the commencement of this period. If we had similar statements regarding the Italian population generally, they would beyond all doubt exhibit a deficit relatively still more considerable. The decline of the national vigour less admits of proof; but it is stated by the writers on agriculture that flesh and milk disappeared more and more from the diet of the common people. At the same time the slave population increased, as the free population declined. In Apulia, Lucania, and the Bruttian land, pastoral husbandry must even in the time of Cato have preponderated over agriculture; the half-

Falling off in the population.

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savage slave-herdsmen were here in reality masters in the house. Apulia was rendered so insecure by them that a
185. strong force had to be stationed there; in 569 a slave-conspiracy planned on the largest scale, and mixed up with the proceedings of the Bacchanalia, was discovered there, and nearly 7000 men were condemned as criminals. In Etruria also Roman troops had to take the field against a band of
196. slaves (558), and even in Latium there were instances in which towns like Setia and Praeneste were in danger of
198. being surprised by a band of runaway serfs (556). The nation was visibly diminishing, and the community of free burgesses was resolving itself into a body composed of masters and slaves; and, although it was in the first instance the two long wars with Carthage which decimated and ruined both the burgesses and the allies, the Roman capitalists beyond doubt contributed quite as much as Hamilcar and Hannibal to the decline in the vigour and the numbers of the Italian people. No one can say whether the government could have rendered help; but it was an alarming and discreditable fact, that the circles of the Roman aristocracy, well-meaning and energetic as in great part they were, never once showed any insight into the real gravity of the situation or any foreboding of the full magnitude of the danger. When a Roman lady belonging to the high nobility, the sister of one of the numerous citizen-admirals who in the first Punic war had ruined the fleets of the state, one day got among a crowd in the Roman Forum, she said aloud in the hearing of those around, that it was high time to place her brother once more at the head of the fleet and to relieve the pressure in the market-place by bleeding the citizens afresh (508). Those who thus thought and spoke were, no doubt, a small minority; nevertheless this outrageous speech was simply a forcible expression of the criminal indifference with which the whole noble and rich world looked down on the common citizens and farmers.

They did not exactly desire their destruction, but they allowed it to run its course ; and so desolation advanced with gigantic steps over the flourishing land of Italy, where countless free men had just been enjoying a moderate and merited prosperity.

CHAPTER XIII

FAITH AND MANNERS

Roman austerity and Roman pride.

LIFE in the case of the Roman was spent under conditions of austere restraint, and, the nobler he was, the less he was a free man. All-powerful custom restricted him to a narrow range of thought and action; and to have led a serious and strict or, to use the characteristic Latin expressions, a sad and severe life, was his glory. No one had more and no one had less to do than to keep his household in good order and manfully bear his part of counsel and action in public affairs. But, while the individual had neither the wish nor the power to be aught else than a member of the community, the glory and the might of that community were felt by every individual burgess as a personal possession to be transmitted along with his name and his homestead to his posterity; and thus, as one generation after another was laid in the tomb and each in succession added its fresh contribution to the stock of ancient honours, the collective sense of dignity in the noble families of Rome swelled into that mighty civic pride, the like of which the earth has never seen again, and the traces of which, as strange as they are grand, seem to us, wherever we meet them, to belong as it were to another world. It was one of the characteristic peculiarities of this powerful sense of citizenship, that it was, while not suppressed, yet compelled by the rigid simplicity and equality that prevailed among the citizens to remain

locked up within the breast during life, and was only allowed to find expression after death; but then it was displayed in the funeral rites of the man of distinction so conspicuously and intensely, that this ceremonial is better fitted than any other phenomenon of Roman life to give to us who live in later times a glimpse of that wonderful spirit of the Romans.

A Roman funeral.

It was a singular procession, at which the burgesses were invited to be present by the summons of the public crier: "Yonder warrior is dead; whoever can, let him come to escort Lucius Aemilius; he is borne forth from his house." It was opened by bands of wailing women, musicians, and dancers; one of the latter was dressed out and furnished with a mask after the likeness of the deceased, and by gesture doubtless and action recalled once more to the multitude the appearance of the well-known man. Then followed the grandest and most peculiar part of the solemnity—the procession of ancestors—before which all the rest of the pageant so faded in comparison, that men of rank of the true Roman type enjoined their heirs to restrict the funeral ceremony to that procession alone. We have already mentioned that the face-masks of those ancestors who had filled the curule aedileship or any higher ordinary magistracy, wrought in wax and painted—modelled as far as possible after life, but not wanting even for the earlier ages up to and beyond the time of the kings—were wont to be placed in wooden niches along the walls of the family hall, and were regarded as the chief ornament of the house. When a death occurred in the family, suitable persons, chiefly actors, were dressed up with these face-masks and the corresponding official costume to take part in the funeral ceremony, so that the ancestors—each in the principal dress worn by him in his lifetime, the triumphator in his gold-embroidered, the censor in his purple, and the consul in his purple-bordered,

robe, with their lictors and the other insignia of office—all in chariots gave the final escort to the dead. On the bier overspread with massive purple and gold-embroidered coverlets and fine linen cloths lay the deceased himself, likewise in the full costume of the highest office which he had filled, and surrounded by the armour of the enemies whom he had slain and by the chaplets which in jest or earnest he had won. Behind the bier came the mourners, all dressed in black and without ornament, the sons of the deceased with their heads veiled, the daughters without veil, the relatives and clansmen, the friends, the clients and freedmen. Thus the procession passed on to the Forum. There the corpse was placed in an erect position; the ancestors descended from their chariots and seated themselves in the curule chairs; and the son or nearest gentile kinsman of the deceased ascended the rostra, in order to announce to the assembled multitude in simple recital the names and deeds of each of the men sitting in a circle around him and, last of all, those of him who had recently died.

This may be called a barbarous custom, and a nation of artistic feelings would certainly not have tolerated the continuance of this odd resurrection of the dead down to an epoch of fully-developed civilization; but even Greeks who were very dispassionate and but little disposed to reverence, such as Polybius, were greatly impressed by the naïve pomp of this funeral ceremony. It was a conception essentially in keeping with the grave solemnity, the uniform movement, and the proud dignity of Roman life, that departed generations should continue to walk, as it were, corporeally among the living, and that, when a burgess weary of labours and of honours was gathered to his fathers, these fathers themselves should appear in the Forum to receive him among their number.

But the Romans had now reached a crisis of transition.

The new Hellenism.

Now that the power of Rome was no longer confined to Italy but had spread far and wide to the east and to the west, the days of the old home life of Italy were over, and a Hellenizing civilization came in its room. It is true that Italy had been subject to the influence of Greece, ever since it had a history at all. We have formerly shown how the youthful Greece and the youthful Italy—both of them with a certain measure of simplicity and originality—gave and received intellectual impulses; and how at a later period Rome endeavoured after a more external manner to appropriate to practical use the language and inventions of the Greeks. But the Hellenism of the Romans of the present period was, in its causes as well as its consequences, something essentially new. The Romans began to feel the need of a richer intellectual life, and to be startled as it were at their own utter want of mental culture; and, if even nations of artistic gifts, such as the English and Germans, have not disdained in the pauses of their own productiveness to avail themselves of the miserable French culture for filling up the gap, it need excite no surprise that the Italian nation now flung itself with fervid zeal on the glorious treasures as well as on the dissolute filth of the intellectual development of Hellas. But it was an impulse still more profound and deep-rooted, which carried the Romans irresistibly into the Hellenic vortex. Hellenic civilization still doubtless called itself by that name, but it was Hellenic no longer; it was, in fact, humanistic and cosmopolitan. It had solved the problem of moulding a mass of different nations into one whole completely in the field of intellect, and to a certain extent also in that of politics; and, now when the same task on a wider scale devolved on Rome, she took over Hellenism along with the rest of the inheritance of Alexander the Great. Hellenism therefore was no longer a mere stimulus or accessory influence; it penetrated the Italian nation to the

very core. Of course, the vigorous home life of Italy strove against the foreign element. It was only after a most vehement struggle that the Italian farmer abandoned the field to the cosmopolite of the capital; and, as in Germany the French coat called forth the national Germanic frock, so the reaction against Hellenism aroused in Rome a tendency which opposed the influence of Greece on principle, in a fashion altogether foreign to the earlier centuries, and in doing so fell pretty frequently into downright follies and absurdities.

Hellenism in politics.

No department of human action or thought remained unaffected by this struggle between the old fashion and the new. Even political relations were largely influenced by it. The whimsical project of emancipating the Hellenes, the well-deserved failure of which has already been described, the kindred, likewise Hellenic, idea of a common interest of republics in opposition to kings, and the desire of propagating Hellenic polity at the expense of eastern despotism—the two principles that helped to regulate, for instance, the treatment of Macedonia—were fixed ideas of the new school, just as dread of the Carthaginians was the fixed idea of the old; and, if Cato pushed the latter to a ridiculous excess, Philhellenism now and then indulged in extravagances at least quite as foolish. For example, the conqueror of king Antiochus not only had a statue of himself in Greek costume erected on the Capitol, but also, instead of calling himself in good Latin *Asiaticus*, assumed the unmeaning and anomalous, but yet magnificent and almost Greek, surname of *Asiagenus*.[1] A more important consequence of this attitude of the ruling nation towards

[1] That *Asiagenus* was the original title of the hero of Magnesia and of his descendants, is established by coins and inscriptions; the fact that the Capitoline Fasti call him *Asiaticus* is one of several traces indicating that these have undergone a non-contemporary revision. The former surname can only be a corruption of Ἀσιαγένης—the form which later authors substituted for it—which signifies not the conqueror of Asia, but an Asiatic by birth.

Hellenism was, that the process of Latinizing gained ground everywhere in Italy except where it encountered the Hellenes. The cities of the Greeks in Italy, so far as the war had not destroyed them, remained Greek. Apulia, about which, it is true, the Romans gave themselves little concern, appears at this very epoch to have been thoroughly pervaded by Hellenism, and the local civilization there seems to have attained the level of the decaying Hellenic culture by its side. Tradition is silent on the matter; but the numerous coins of cities, uniformly furnished with Greek inscriptions, and the manufacture of painted clay-vases after the Greek style, which was carried on in that part of Italy alone with more ambition and gaudiness than taste, show that Apulia had completely adopted Greek habits and Greek art.

But the real struggle between Hellenism and its national antagonists during the present period was carried on in the field of faith, of manners, and of art and literature; and we must not omit to attempt some delineation of this great strife of principles, however difficult it may be to present a summary view of the myriad forms and aspects which the conflict assumed.

The national religion and unbelief.

The extent to which the old simple faith still retained a living hold on the Italians is shown very clearly by the admiration or astonishment which this problem of Italian piety excited among the contemporary Greeks. On occasion of the quarrel with the Aetolians it was reported of the Roman commander-in-chief that during battle he was solely occupied in praying and sacrificing like a priest; whereas Polybius with his somewhat stale moralizing calls the attention of his countrymen to the political usefulness of this piety, and admonishes them that a state cannot consist of wise men alone, and that such ceremonies are very convenient for the sake of the multitude.

Religious economy.

But if Italy still possessed—what had long been a mere antiquarian curiosity in Hellas—a national religion, it was

already visibly beginning to be ossified into theology. The torpor creeping over faith is nowhere perhaps so distinctly apparent as in the alterations in the economy of divine service and of the priesthood. The public service of the gods became not only more tedious, but above all
196. more and more costly. In 558 there was added to the three old colleges of the augurs, pontifices, and keepers of oracles, a fourth consisting of three "banquet-masters" (*tres viri epulones*), solely for the important purpose of superintending the banquets of the gods. The priests, as well as the gods, were in fairness entitled to feast; new institutions, however, were not needed with that view, as every college applied itself with zeal and devotion to its convivial affairs. The clerical banquets were accompanied by the claim of clerical immunities. The priests even in times of grave embarrassment claimed the right of exemption from public burdens, and only after very troublesome controversy submitted to make payment of the taxes in
196. arrear (558). To the individual, as well as to the community, piety became a more and more costly article. The custom of instituting endowments, and generally of undertaking permanent pecuniary obligations, for religious objects prevailed among the Romans in a manner similar to that of its prevalence in Roman Catholic countries at the present day. These endowments—particularly after they came to be regarded by the supreme spiritual and at the same time the supreme juristic authority in the state, the pontifices, as a real burden devolving *de jure* on every heir or other person acquiring the estate—began to form an extremely oppressive charge on property; "inheritance without sacrificial obligation" was a proverbial saying among the Romans somewhat similar to our "rose without a thorn." The dedication of a tenth of their substance became so common, that twice every month a public entertainment was given from the proceeds in the Forum

Boarium at Rome. With the Oriental worship of the Mother of the Gods there was imported to Rome among other pious nuisances the practice, annually recurring on certain fixed days, of demanding penny-collections from house to house (*stipem cogere*). Lastly, the subordinate class of priests and soothsayers, as was reasonable, rendered no service without being paid for it; and beyond doubt the Roman dramatist sketched from life, when in the curtain-conversation between husband and wife he represents the account for pious services as ranking with the accounts for the cook, the nurse, and other customary presents:—

Da mihi, vir, ——— *quod dem Quinquatribus*
Praecantrici, conjectrici, hariolae atque haruspicae;
Tum piatricem clementer non potest quin munerem.
Flagitium est, si nil mittetur, quo supercilio spicit.

The Romans did not create a "God of gold," as they had formerly created a "God of silver" (ii. 70); nevertheless he reigned in reality alike over the highest and lowest spheres of religious life. The old pride of the Latin national religion—the moderation of its economic demands—was irrevocably gone.

Theology.

At the same time its ancient simplicity also departed. Theology, the spurious offspring of reason and faith, was already occupied in introducing its own tedious prolixity and solemn inanity into the old homely national faith, and thereby expelling the true spirit of that faith. The catalogue of the duties and privileges of the priest of Jupiter, for instance, might well have a place in the Talmud. They pushed the natural rule—that no religious service can be acceptable to the gods unless it is free from flaw—to such an extent in practice, that a single sacrifice had to be repeated thirty times in succession on account of mistakes again and again committed, and that the games, which also formed a part of divine service, were regarded

as undone if the presiding magistrate had committed any slip in word or deed or if the music even had paused at a wrong time, and so had to be begun afresh, frequently for several, even as many as seven, times in succession.

Irreligious spirit.

This exaggeration of conscientiousness was already a symptom of its incipient torpor; and the reaction against it—indifference and unbelief—failed not soon to appear.

249. Even in the first Punic war (505) an instance occurred in which the consul himself made an open jest of consulting the auspices before battle—a consul, it is true, belonging to the peculiar clan of the Claudii, which alike in good and evil was ahead of its age. Towards the end of this epoch complaints were loudly made that the lore of the augurs was neglected, and that, to use the language of Cato, a number of ancient auguries and auspices were falling into oblivion through the indolence of the college. An augur like Lucius Paullus, who saw in the priesthood a science and not a mere title, was already a rare exception, and could not but be so, when the government more and more openly and unhesitatingly employed the auspices for the accomplishment of its political designs, or, in other words, treated the national religion in accordance with the view of Polybius as a superstition useful for imposing on the public at large. Where the way was thus paved, the Hellenistic irreligious spirit found free course. In connection with the incipient taste for art the sacred images of the gods began as early as the time of Cato to be employed, like other furniture, in adorning the chambers of the rich. More dangerous wounds were inflicted on religion by the rising literature. It could not indeed venture on open attacks, and such direct additions as were made by its means to religious conceptions—*e.g.* the Pater Caelus formed by Ennius from the Roman Saturnus in imitation of the Greek Uranos—were, while Hellenistic, of no great importance. But the diffusion of the doctrines of Epichar

mus and Euhemerus in Rome was fraught with momentous consequences. The poetical philosophy, which the later Pythagoreans had extracted from the writings of the old Sicilian comedian Epicharmus of Megara (about 280), or 470.
rather had, at least for the most part, circulated under cover of his name, saw in the Greek gods natural substances, in Zeus the atmosphere, in the soul a particle of sun-dust, and so forth. In so far as this philosophy of nature, like the Stoic doctrine in later times, had in its most general outlines a certain affinity with the Roman religion, it was calculated to undermine the national religion by resolving it into allegory. A quasi-historical analysis of religion was given in the "Sacred Memoirs" of Euhemerus of Messene (about 450), which, under the form of reports on the 300.
travels of the author among the marvels of foreign lands, subjected to thorough and documentary sifting the accounts current as to the so-called gods, and resulted in the conclusion that there neither were nor are gods at all. To indicate the character of the book, it may suffice to mention the one fact, that the story of Kronos devouring his children is explained as arising out of the existence of cannibalism in the earliest times and its abolition by king Zeus. Notwithstanding, or even by virtue of, its insipidity and of its very obvious purpose, the production had an undeserved success in Greece, and helped, in concert with the current philosophies there, to bury the dead religion. It is a remarkable indication of the expressed and conscious antagonism between religion and the new philosophy that Ennius already translated into Latin those notoriously destructive writings of Epicharmus and Euhemerus. The translators may have justified themselves at the bar of Roman police by pleading that the attacks were directed only against the Greek, and not against the Latin, gods; but the evasion was tolerably transparent. Cato was, from his own point of view, quite right in assailing these tend-

encies indiscriminately, wherever they met him, with his own peculiar bitterness, and in calling even Socrates a corrupter of morals and offender against religion.

Home and foreign superstition.

Thus the old national religion was visibly on the decline; and, as the great trees of the primeval forest were uprooted the soil became covered with a rank growth of thorns and of weeds that had never been seen before. Native superstitions and foreign impostures of the most various hues mingled, competed, and conflicted with each other. No Italian stock remained exempt from this transmuting of old faith into new superstition. As the lore of entrails and of lightning was cultivated among the Etruscans, so the liberal art of observing birds and conjuring serpents flourished luxuriantly among the Sabellians and more particularly the Marsians. Even among the Latin nation, and in fact in Rome itself, we meet with similar phenomena, although they are, comparatively speaking, less conspicuous. Such for instance were the lots of Praeneste, and the
181. remarkable discovery at Rome in 573 of the tomb and posthumous writings of the king Numa, which are alleged to have prescribed religious rites altogether strange and unheard of. But the credulous were to their regret not permitted to learn more than this, coupled with the fact that the books looked very new; for the senate laid hands on the treasure and ordered the rolls to be summarily thrown into the fire. The home manufacture was thus quite sufficient to meet such demands of folly as might fairly be expected; but the Romans were far from being content with it. The Hellenism of that epoch, already denationalized and pervaded by Oriental mysticism, introduced not only unbelief but also superstition in its most offensive and dangerous forms to Italy, and these vagaries moreover had quite a special charm, precisely because they were foreign.

Chaldaean astrologers and casters of nativities were

already in the sixth century spread throughout Italy; but a still more important event—one making in fact an epoch in the world's history—was the reception of the Phrygian Mother of the Gods among the publicly recognized divinities of the Roman state, to which the government had been obliged to give its consent during the last weary years of the Hannibalic war (550). A special embassy was sent for the purpose to Pessinus, a city in the territory of the Celts of Asia Minor; and the rough field-stone, which the priests of the place liberally presented to the foreigners as the real Mother Cybele, was received by the community with unparalleled pomp. Indeed, by way of perpetually commemorating the joyful event, clubs in which the members entertained each other in rotation were instituted among the higher classes, and seem to have materially stimulated the rising tendency to the formation of cliques. With the permission thus granted for the *cultus* of Cybele the worship of the Orientals gained a footing officially in Rome; and, though the government strictly insisted that the emasculate priests of the new gods should remain Celts (*Galli*) as they were called, and that no Roman burgess should devote himself to this pious eunuchism, yet the barbaric pomp of the "Great Mother"—her priests clad in Oriental costume with the chief eunuch at their head, marching in procession through the streets to the foreign music of fifes and kettledrums, and begging from house to house—and the whole doings, half sensuous, half monastic, must have exercised a most material influence over the sentiments and views of the people.

Worship of Cybele. 204.

The effect was only too rapidly and fearfully apparent. A few years later (568) rites of the most abominable character came to the knowledge of the Roman authorities; a secret nocturnal festival in honour of the god Bacchus had been first introduced into Etruria through a Greek priest, and, spreading like a cancer, had rapidly reached

Worship of Bacchus. 186.

Rome and propagated itself over all Italy, everywhere corrupting families and giving rise to the most heinous crimes, unparalleled unchastity, falsifying of testaments, and murdering by poison. More than 7000 men were sentenced to punishment, most of them to death, on this account, and rigorous enactments were issued as to the future; yet they did not succeed in repressing the
180. ongoings, and six years later (574) the magistrate to whom the matter fell complained that 3000 men more had been condemned and still there appeared no end of the evil.

Repressive measures.

Of course all rational men were agreed in the condemnation of these spurious forms of religion—as absurd as they were injurious to the commonwealth: the pious adherents of the olden faith and the partisans of Hellenic enlightenment concurred in their ridicule of, and indignation at, this superstition. Cato made it an instruction to his steward, "that he was not to present any offering, or to allow any offering to be presented on his behalf, without the knowledge and orders of his master, except at the domestic hearth and on the wayside-altar at the Compitalia, and that he should consult no *haruspex*, *hariolus*, or *Chaldaeus*." The well-known question, as to how a priest could contrive to suppress laughter when he met his colleague, originated with Cato, and was primarily applied to the Etruscan *haruspex*. Much in the same spirit Ennius censures in true Euripidean style the mendicant soothsayers and their adherents:

> *Sed superstitiosi vates impudentesque arioli,*
> *Aut inertes aut insani aut quibus egestas imperat,*
> *Qui sibi semitam non sapiunt, alteri monstrant viam,*
> *Quibus divitias pollicentur, ab eis drachumam ipsi petunt.*

But in such times reason from the first plays a losing game against unreason. The government, no doubt, interfered; the pious impostors were punished and expelled by the police; every foreign worship not specially sanctioned was

forbidden; even the consulting of the comparatively innocent lot-oracle of Praeneste was officially prohibited in 512; and, as we have already said, those who took part in 242.
the Bacchanalia were rigorously prosecuted. But, when once men's heads are thoroughly turned, no command of the higher authorities avails to set them right again. How much the government was obliged to concede, or at any rate did concede, is obvious from what has been stated. The Roman custom, under which the state consulted Etruscan sages in certain emergencies and the government accordingly took steps to secure the traditional transmission of Etruscan lore in the noble families of Etruria, as well as the permission of the secret worship of Demeter, which was not immoral and was restricted to women, may probably be ranked with the earlier innocent and comparatively indifferent adoption of foreign rites. But the admission of the worship of the Mother of the Gods was a bad sign of the weakness which the government felt in presence of the new superstition, perhaps even of the extent to which it was itself pervaded by it; and it showed in like manner either an unpardonable negligence or something still worse, that the authorities only took steps against such proceedings as the Bacchanalia at so late a stage, and even then on an accidental information.

Austerity of manners.

The picture, which has been handed down to us of the life of Cato the Elder, enables us in substance to perceive how, according to the ideas of the respectable burgesses of that period, the private life of the Roman should be spent.

Cato's family life.

Active as Cato was as a statesman, pleader, author, and mercantile speculator, family life always formed with him the central object of existence; it was better, he thought, to be a good husband than a great senator. His domestic discipline was strict. The servants were not allowed to leave the house without orders, nor to talk of what occurred in the household to strangers. The more severe punish-

ments were not inflicted capriciously, but sentence was pronounced and executed according to a quasi-judicial procedure: the strictness with which offences were punished may be inferred from the fact, that one of his slaves who had concluded a purchase without orders from his master hanged himself on the matter coming to Cato's ears. For slight offences, such as mistakes committed in waiting at table, the consular was wont after dinner to administer to the culprit the proper number of lashes with a thong wielded by his own hand. He kept his wife and children in order no less strictly, but by other means; for he declared it sinful to lay hands on a wife or grown-up children in the same way as on slaves. In the choice of a wife he disapproved marrying for money, and recommended men to look to good descent; but he himself married in old age the daughter of one of his poor clients. Moreover he adopted views in regard to continence on the part of the husband similar to those which everywhere prevail in slave countries; a wife was throughout regarded by him as simply a necessary evil. His writings abound in invectives against the chattering, finery-loving, ungovernable fair sex; it was the opinion of the old lord that "all women are plaguy and proud," and that, "were men quit of women, our life might probably be less godless." On the other hand the rearing of children born in wedlock was a matter which touched his heart and his honour, and the wife in his eyes existed strictly and solely for the children's sake. She nursed them ordinarily herself, or, if she allowed her children to be suckled by female slaves, she also allowed their children in return to draw nourishment from her own breast; one of the few traits, which indicate an endeavour to mitigate the institution of slavery by ties of human sympathy—the common impulses of maternity and the bond of foster-brotherhood. The old general was present in person, whenever it was possible, at the washing and

swaddling of his children. He watched with reverential care over their childlike innocence; he assures us that he was as careful lest he should utter an unbecoming word in presence of his children as if he had been in presence of the Vestal Virgins, and that he never before the eyes of his daughters embraced their mother, except when she had become alarmed during a thunder-storm. The education of the son was perhaps the noblest portion of his varied and variously honourable activity. True to his maxim, that a ruddy-checked boy was worth more than a pale one, the old soldier in person initiated his son into all bodily exercises, and taught him to wrestle, to ride, to swim, to box, and to endure heat and cold. But he felt very justly, that the time had gone by when it sufficed for a Roman to be a good farmer and soldier; and he felt also that it could not but have an injurious influence on the mind of his boy, if he should subsequently learn that the teacher, who had rebuked and punished him and had won his reverence, was a mere slave. Therefore he in person taught the boy what a Roman was wont to learn, to read and write and know the law of the land; and even in his later years he worked his way so far into the general culture of the Hellenes, that he was able to deliver to his son in his native tongue whatever in that culture he deemed to be of use to a Roman. All his writings were primarily intended for his son, and he wrote his historical work for that son's use with large distinct letters in his own hand. He lived in a homely and frugal style. His strict parsimony tolerated no expenditure on luxuries. He allowed no slave to cost him more than 1500 *denarii* (£65) and no dress more than 100 *denarii* (£4 : 6*s.*); no carpet was to be seen in his house, and for a long time there was no whitewash on the walls of the rooms. Ordinarily he partook of the same fare with his servants, and did not suffer his outlay in cash for the meal to exceed 30 *asses* (2*s.*); in time of war even

wine was uniformly banished from his table, and he drank water or, according to circumstances, water mixed with vinegar. On the other hand, he was no enemy to hospitality; he was fond of associating both with his club in town and with the neighbouring landlords in the country; he sat long at table, and, as his varied experience and his shrewd and ready wit made him a pleasant companion, he disdained neither the dice nor the wine-flask: among other receipts in his book on husbandry he even gives a tried recipe for the case of a too hearty meal and too deep potations. His life up to extreme old age was one of ceaseless activity. Every moment was apportioned and occupied; and every evening he was in the habit of turning over in his mind what he had heard, said, or done during the day. Thus he found time for his own affairs as well as for those of his friends and of the state, and time also for conversation and pleasure; everything was done quickly and without many words, and his genuine spirit of activity hated nothing so much as bustle or a great ado about trifles.

So lived the man who was regarded by his contemporaries and by posterity as the true model of a Roman burgess, and who appeared as it were the living embodiment of the—certainly somewhat coarse-grained—energy and probity of Rome in contrast with Greek indolence and Greek immorality; as a later Roman poet says:

Sperne mores transmarinos, mille habent offucias.
Cive Romano per orbem nemo vivit rectius.
Quippe malim unum Catonem, quam trecentos Socratas.[1]

[1 In the first edition of this translation I gave these lines in English on the basis of Dr. Mommsen's German version, and added in a note that I had not been able to find the original. Several scholars whom I consulted were not more successful; and Dr. Mommsen was at the time absent from Berlin. Shortly after the first edition appeared, I received a note from Sir George Cornewall Lewis informing me that I should find them taken from Florus (or Floridus) in Wernsdorf, *Poetae Lat. Min.* vol. iii. p. 487. They were accordingly given in the revised edition of 1868 from the Latin text. Baehrens (*Poet. Lat. Min.* vol. iv. p. 347) follows Lucian Müller in reading *offucia*.—TR.]

Such judgments will not be absolutely adopted by history; but every one who carefully considers the revolution which the degenerate Hellenism of this age accomplished in the modes of life and thought among the Romans, will be inclined to heighten rather than to lessen that condemnation of the foreign manners.

New manners.

The ties of family life became relaxed with fearful rapidity. The evil of grisettes and boy-favourites spread like a pestilence, and, as matters stood, it was not possible to take any material steps in the way of legislation against it. The high tax, which Cato as censor (570) laid on this most abominable species of slaves kept for luxury, would not be of much moment, and besides fell practically into disuse a year or two afterwards along with the property-tax generally. Celibacy—as to which grave complaints were made as early as 520—and divorces naturally increased in proportion. Horrible crimes were perpetrated in the bosom of families of the highest rank; for instance, the consul Gaius Calpurnius Piso was poisoned by his wife and his stepson, in order to occasion a supplementary election to the consulship and so to procure the supreme magistracy for the latter—a plot which was successful (574). Moreover the emancipation of women began. According to old custom the married woman was subject in law to the marital power which was parallel with the paternal, and the unmarried woman to the guardianship of her nearest male *agnati*, which fell little short of the paternal power; the wife had no property of her own, the fatherless virgin and the widow had at any rate no right of management. But now women began to aspire to independence in respect to property, and, getting quit of the guardianship of their *agnati* by evasive lawyers' expedients—particularly through mock marriages—they took the management of their property into their own hands, or, in the event of being married, sought by means not much better to withdraw

184.

234.

180.

themselves from the marital power, which under the strict letter of the law was necessary. The mass of capital which was collected in the hands of women appeared to the statesmen of the time so dangerous, that they resorted to the extravagant expedient of prohibiting by law the testamentary
169. nomination of women as heirs (585), and even sought by a highly arbitrary practice to deprive women for the most part of the collateral inheritances which fell to them without testament. In like manner the exercise of family jurisdiction over women, which was connected with that marital and tutorial power, became practically more and more antiquated. Even in public matters women already began to have a will of their own and occasionally, as Cato thought, "to rule the rulers of the world;" their influence was to be traced in the burgess-assembly, and already statues were erected in the provinces to Roman ladies.

Luxury. Luxury prevailed more and more in dress, ornaments, and furniture, in buildings and at table. Especially after
190. the expedition to Asia Minor in 564 Asiatico-Hellenic luxury, such as prevailed at Ephesus and Alexandria, transferred its empty refinement and its dealing in trifles, destructive alike of money, time, and pleasure, to Rome. Here too women took the lead: in spite of the zealous invective of Cato they managed to procure the abolition,
195. after the peace with Carthage (559), of the decree of the
215. people passed soon after the battle of Cannae (539), which forbade them to use gold ornaments, variegated dresses, or chariots; no course was left to their zealous
184. antagonist but to impose a high tax on those articles (570). A multitude of new and for the most part frivolous articles —silver plate elegantly figured, table-couches with bronze mounting, Attalic dresses as they were called, and carpets of rich gold brocade—now found their way to Rome. Above all, this new luxury appeared in the appliances of the table. Hitherto without exception the Romans had

only partaken of hot dishes once a day; now hot dishes were not unfrequently produced at the second meal (*prandium*), and for the principal meal the two courses formerly in use no longer sufficed. Hitherto the women of the household had themselves attended to the baking of bread and cooking; and it was only on occasion of entertainments that a professional cook was specially hired, who in that case superintended alike the cooking and the baking. Now, on the other hand, a scientific cookery began to prevail. In the better houses a special cook was kept. The division of labour became necessary, and the trade of baking bread and cakes branched off from that of cooking—the first bakers' shops in Rome appeared about 583. Poems on the art of good eating, with long lists of 171.
the most palatable fishes and other marine products, found their readers: and the theory was reduced to practice. Foreign delicacies—anchovies from Pontus, wine from Greece—began to be esteemed in Rome, and Cato's receipt for giving to the ordinary wine of the country the flavour of Coan by means of brine would hardly inflict any considerable injury on the Roman vintners. The old decorous singing and reciting of the guests and their boys were supplanted by Asiatic *sambucistriae*. Hitherto the Romans had perhaps drunk pretty deeply at supper, but drinking-banquets in the strict sense were unknown; now formal revels came into vogue, on which occasions the wine was little or not at all diluted and was drunk out of large cups, and the drink-pledging, in which each was bound to follow his neighbour in regular succession, formed the leading feature—"drinking after the Greek style" (*Graeco more bibere*) or "playing the Greek" (*pergraecari*, *congraecare*) as the Romans called it. In consequence of this debauchery dice-playing, which had doubtless long been in use among the Romans, reached such proportions that it was necessary for legislation to interfere. The aversion

to labour and the habit of idle lounging were visibly on the increase.[1] Cato proposed to have the market paved with pointed stones, in order to put a stop to the habit of idling; the Romans laughed at the jest and went on to enjoy the pleasure of loitering and gazing all around them.

Increase of amusements.

We have already noticed the alarming extension of the popular amusements during this epoch. At the beginning of it, apart from some unimportant foot and chariot races which should rather be ranked with religious ceremonies, only a single general festival was held in the month of September, lasting four days and having a definitely fixed maximum of cost (ii. 96). At the close of the epoch, this popular festival had a duration of at least six days; and besides this there were celebrated at the beginning of April the festival of the Mother of the Gods or the so-called

[1] A sort of *parabasis* in the *Curculio* of Plautus describes what went on in the market-place of the capital, with little humour perhaps, but with life-like distinctness.

Conmonstrabo, quo in quemque hominem facile inveniatis loco,
Ne nimio opere sumat operam, si quis conventum velit
Vel vitiosum vel sine vitio, vel probum vel inprobum.
Qui perjurum convenire volt hominem, ito in comitium;
Qui mendacem et gloriosum, apud Cloacinae sacrum.
[*Ditis damnosos maritos sub basilica quaerito.*
Ibidem erunt scorta exoleta quique stipulari solent.]
Symbolarum conlatores apud forum piscarium.
In foro infumo boni homines atque dites ambulant;
In medio propter canalem ibi ostentatores meri.
Confidentes garrulique et malevoli supra lacum,
Qui alteri de nihilo audacter dicunt contumeliam
Et qui ipsi sat habent quod in se possit vere dicier.
Sub veteribus ibi sunt, qui dant quique accipiunt faenore.
Pone aedem Castoris ibi sunt, subito quibus credas male.
In Tusco vico ibi sunt homines, qui ipsi sese venditant.
In Velabro vel pistorem vel lanium vel haruspicem
Vel qui ipsi vorsant, vel qui aliis, ut vorsentur, praebeant.
Ditis damnosos maritos apud Leucadiam Oppiam.

The verses in brackets are a subsequent addition, inserted after the
184. building of the first Roman bazaar (570). The business of the baker (*pistor*, literally miller) embraced at this time the sale of delicacies and the providing accommodation for revellers (Festus, *Ep. v. alicariae*, p. 7, *Müll.*; Plautus, *Capt.* 160; *Poen.* i. 2, 54; *Trin.* 407). The same was the case with the butchers. Leucadia Oppia may have kept a house of bad fame.

Megalensia, towards the end of April that of Ceres and that of Flora, in June that of Apollo, in November the Plebeian games—all of them probably occupying already more days than one. To these fell to be added the numerous cases where the games were celebrated afresh—in which pious scruples presumably often served as a mere pretext—and the incessant extraordinary festivals. Among these the already-mentioned banquets furnished from the dedicated tenths (p. 110), the feasts of the gods, the triumphal and funeral festivities, were conspicuous; and above all the festal games which were celebrated—for the first time in 505—at the close of one of those longer 249.
periods which were marked off by the Etrusco-Roman religion, the *saecula*, as they were called. At the same time domestic festivals were multiplied. During the second Punic war there were introduced, among people of quality, the already-mentioned banquetings on the anniversary of the entrance of the Mother of the Gods (after 550), 204
and, among the lower orders, the similar Saturnalia (after 537), both under the influence of the powers henceforth 217.
closely allied—the foreign priest and the foreign cook. A very near approach was made to that ideal condition in which every idler should know where he might kill time every day; and this in a commonwealth where formerly action had been with all and sundry the very object of existence, and idle enjoyment had been proscribed by custom as well as by law! The bad and demoralizing elements in these festal observances, moreover, daily acquired greater ascendency. It is true that still as formerly the chariot races formed the brilliant finale of the national festivals; and a poet of this period describes very vividly the straining expectancy with which the eyes of the multitude were fastened on the consul, when he was on the point of giving the signal for the chariots to start. But the former amusements no longer sufficed; there was a

craving for new and more varied spectacles. Greek athletes now made their appearance (for the first time in
186. 568) alongside of the native wrestlers and boxers. Of the dramatic exhibitions we shall speak hereafter: the transplanting of Greek comedy and tragedy to Rome was a gain perhaps of doubtful value, but it formed at any rate the best of the acquisitions made at this time. The Romans had probably long indulged in the sport of coursing hares and hunting foxes in presence of the public; now these innocent hunts were converted into formal baitings of wild animals, and the wild beasts of Africa—lions and panthers—were (first so far as can be proved in
186. 568) transported at great cost to Rome, in order that by killing or being killed they might serve to glut the eyes of the gazers of the capital. The still more revolting gladiatorial games, which prevailed in Campania and Etruria, now gained admission to Rome; human blood was first
264. shed for sport in the Roman forum in 490. Of course these demoralizing amusements encountered severe censure:
268. the consul of 486, Publius Sempronius Sophus, sent a divorce to his wife, because she had attended funeral games; the government carried a decree of the people prohibiting the bringing over of wild beasts to Rome, and strictly insisted that no gladiators should appear at the public festivals. But here too it wanted either the requisite power or the requisite energy: it succeeded, apparently, in checking the practice of baiting animals, but the appearance of sets of gladiators at private festivals, particularly at funeral celebrations, was not suppressed. Still less could the public be prevented from preferring the comedian to the tragedian, the rope-dancer to the comedian, the gladiator to the rope-dancer; or the stage be prevented from revelling by choice amidst the pollution of Hellenic life. Whatever elements of culture were contained in the scenic and artistic entertainments were from the first

thrown aside; it was by no means the object of the givers of the Roman festivals to elevate—though it should be but temporarily—the whole body of spectators through the power of poetry to the level of feeling of the best, as the Greek stage did in the period of its prime, or to prepare an artistic pleasure for a select circle, as our theatres endeavour to do. The character of the managers and spectators in Rome is illustrated by a scene at the triumphal games in 587, where the first Greek flute-players, on their 167.
melodies failing to please, were instructed by the director to box with one another instead of playing, upon which the delight would know no bounds.

Nor was the evil confined to the corruption of Roman manners by Hellenic contagion; conversely the scholars began to demoralize their instructors. Gladiatorial games, which were unknown in Greece, were first introduced by king Antiochus Epiphanes (579–590), a professed imitator 175-164.
of the Romans, at the Syrian court, and, although they excited at first greater horror than pleasure in the Greek public, which was more humane and had more sense of art than the Romans, yet they held their ground likewise there, and gradually came more and more into vogue.

As a matter of course, this revolution in life and manners brought an economic revolution in its train. Residence in the capital became more and more coveted as well as more costly. Rents rose to an unexampled height. Extravagant prices were paid for the new articles of luxury; a barrel of anchovies from the Black Sea cost 1600 sesterces (£16)—more than the price of a rural slave; a beautiful boy cost 24,000 sesterces (£240)—more than many a farmer's homestead. Money therefore, and nothing but money, became the watchword with high and low. In Greece it had long been the case that nobody did anything for nothing, as the Greeks themselves with discreditable candour allowed: after the second

Macedonian war the Romans began in this respect also to imitate the Greeks. Respectability had to provide itself with legal buttresses; pleaders, for instance, had to be prohibited by decree of the people from taking money for their services; the jurisconsults alone formed a noble exception, and needed no decree of the people to compel their adherence to the honourable custom of giving good advice gratuitously. Men did not, if possible, steal outright; but all shifts seemed allowable in order to attain rapidly to riches—plundering and begging, cheating on the part of contractors and swindling on the part of speculators, usurious trading in money and in grain, even the turning of purely moral relations such as friendship and marriage to economic account. Marriage especially became on both sides an object of mercantile speculation; marriages for money were common, and it appeared necessary to refuse legal validity to the presents which the spouses made to each other. That, under such a state of things, plans for setting fire on all sides to the capital came to the knowledge of the authorities, need excite no surprise. When man no longer finds enjoyment in work, and works merely in order to attain as quickly as possible to enjoyment, it is a mere accident that he does not become a criminal. Destiny had lavished all the glories of power and riches with liberal hand on the Romans; but, in truth, the Pandora's box was a gift of doubtful value.

CHAPTER XIV

LITERATURE AND ART

THE influences which stimulated the growth of Roman literature were of a character altogether peculiar and hardly paralleled in any other nation. To estimate them correctly, it is necessary in the first place that we should glance at the instruction of the people and its recreations during this period.

Knowledge of languages.

Language lies at the root of all mental culture; and this was especially the case in Rome. In a community where so much importance was attached to speeches and documents, and where the burgess, at an age which is still according to modern ideas regarded as boyhood, was already entrusted with the uncontrolled management of his property and might perhaps find it necessary to make formal speeches to the assembled community, not only was great value set all along on the fluent and polished use of the mother-tongue, but efforts were early made to acquire a command of it in the years of boyhood. The Greek language also was already generally diffused in Italy in the time of Hannibal. In the higher circles a knowledge of that language, which was the general medium of intercourse for ancient civilization, had long been a far from uncommon accomplishment; and now, when the change of Rome's position in the world had so enormously increased the intercourse with foreigners and the foreign traffic, such

a knowledge was, if not necessary, yet presumably of very material importance to the merchant as well as the statesman. By means of the Italian slaves and freedmen, a very large portion of whom were Greek or half-Greek by birth, the Greek language and Greek knowledge to a certain extent reached even the lower ranks of the population, especially in the capital. The comedies of this period may convince us that even the humbler classes of the capital were familiar with a sort of Latin, which could no more be properly understood without a knowledge of Greek than the English of Sterne or the German of Wieland without a knowledge of French.[1] Men of senatorial families, however, not only addressed a Greek audience in Greek, but even published their speeches—Tiberius Gracchus (consul
177. 163. in 577 and 591) so published a speech which he had given at Rhodes—and in the time of Hannibal wrote their chronicles in Greek, as we shall have occasion to mention more particularly in the sequel. Individuals went still farther. The Greeks honoured Flamininus by complimentary demonstrations in the Roman language (ii. 437), and he returned the compliment; the "great general of the Aeneiades" dedicated his votive gifts to the Greek gods

[1] A distinct set of Greek expressions, such as *stratioticus*, *machaera*, *nauclerus*, *trapezita*, *danista*, *drapeta*, *oenopolium*, *bolus*, *malacus*, *morus*, *graphicus*, *logus*, *apologus*, *techna*, *schema*, forms quite a special feature in the language of Plautus. Translations are seldom attached, and that only in the case of words not embraced in the circle of ideas to which those which we have cited belong; for instance, in the *Truculentus*—in a verse, however, that is perhaps a later addition (i. 1, 60)—we find the explanation: *φρόνησις est sapientia.* Fragments of Greek also are common, as in the *Casina* (iii. 6, 9):

Πράγματά μοι παρέχεις—*Dabo μέγα κακὸν, ut opinor.*

Greek puns likewise occur, as in the *Bacchides* (240):

opus est chryso Chrysalo.

Ennius in the same way takes for granted that the etymological meaning of Alexandros and Andromache is known to the spectators (Varro, *de L. L.* vii. 82). Most characteristic of all are the half-Greek formations, such as *ferritribax*, *plagipatida*, *pugilice*, or in the *Miles Gloriosus* (213):

Euge! euscheme hercle astitit sic dulice et comoedice!

after the Greek fashion in Greek distichs.[1] Cato reproached another senator with the fact, that he had the effrontery to deliver Greek recitations with the due modulation at Greek revels.

Under the influence of such circumstances Roman instruction developed itself. It is a mistaken opinion, that antiquity was materially inferior to our own times in the general diffusion of elementary attainments. Even among the lower classes and slaves there was much reading, writing, and counting: in the case of a slave steward, for instance, Cato, following the example of Mago, takes for granted the ability to read and write. Elementary instruction, as well as instruction in Greek, must have been long before this period imparted to a very considerable extent in Rome. But the epoch now before us initiated an education, the aim of which was to communicate not merely an outward expertness, but a real mental culture. Hitherto in Rome a knowledge of Greek had conferred on its possessor as little superiority in civil or social life, as a knowledge of French perhaps confers at the present day in a hamlet of German Switzerland; and the earliest writers of Greek chronicles may have held a position among the other senators similar to that of the farmer in the fens of Holstein who has been a student and in the evening, when he comes home from the plough, takes down his Virgil from the shelf. A man who assumed airs of greater importance by reason of his Greek, was reckoned a bad patriot and a fool; and certainly even in Cato's time one who spoke Greek ill or not at all might still be a man of rank and become senator and consul. But a change was

[1] One of these epigrams composed in the name of Flamininus runs thus:

Ζηνὸς ἰὼ κραιπναῖσι γεγαθότες ἱπποσύναισι
Κοῦροι, ἰὼ Σπάρτας Τυνδαρίδαι βασιλεῖς,
Αἰνεάδας Τίτος ὔμμιν ὑπέρτατον ὤπασε δῶρον
Ἑλλήνων τεύξας παισὶν ἐλευθερίαν.

already taking place. The internal decomposition of Italian nationality had already, particularly in the aristocracy, advanced so far as to render the substitution of a general humane culture for that nationality inevitable: and the craving after a more advanced civilization was already powerfully stirring the minds of men. Instruction in the Greek language as it were spontaneously met this craving. The classical literature of Greece, the Iliad and still more the Odyssey, had all along formed the basis of that instruction; the overflowing treasures of Hellenic art and science were already by this means spread before the eyes of the Italians. Without any outward revolution, strictly speaking, in the character of the instruction the natural result was, that the empirical study of the language became converted into a higher study of the literature; that the general culture connected with such literary studies was communicated in increased measure to the scholars; and that these availed themselves of the knowledge thus acquired to dive into that Greek literature which most powerfully influenced the spirit of the age—the tragedies of Euripides and the comedies of Menander.

In a similar way greater importance came to be attached to instruction in Latin. The higher society of Rome began to feel the need, if not of exchanging their mother-tongue for Greek, at least of refining it and adapting it to the changed state of culture; and for this purpose too they found themselves in every respect dependent on the Greeks. The economic arrangements of the Romans placed the work of elementary instruction in the mother-tongue—like every other work held in little estimation and performed for hire—chiefly in the hands of slaves, freedmen, or foreigners, or in other words chiefly in the hands of Greeks or half-Greeks;[1] which was attended with the less difficulty,

[1] Such, *e.g.*, was Chilo, the slave of Cato the Elder, who earned money on his master's behalf as a teacher of children (Plutarch, *Cato Mai.* 20).

because the Latin alphabet was almost identical with the Greek and the two languages possessed a close and striking affinity. But this was the least part of the matter; the importance of the study of Greek in a formal point of view exercised a far deeper influence over the study of Latin. Any one who knows how singularly difficult it is to find suitable matter and suitable forms for the higher intellectual culture of youth, and how much more difficult it is to set aside the matter and forms once found, will understand how it was that the Romans knew no mode of supplying the desideratum of a more advanced Latin instruction except that of simply transferring the solution of this problem, which instruction in the Greek language and literature furnished, to instruction in Latin. In the present day a process entirely analogous goes on under our own eyes in the transference of the methods of instruction from the dead to the living languages.

But unfortunately the chief requisite for such a transference was wanting. The Romans could, no doubt, learn to read and write Latin by means of the Twelve Tables; but a Latin culture presupposed a literature, and no such literature existed in Rome.

The stage under Greek influence.

To this defect was added a second. We have already described the multiplication of the amusements of the Roman people. The stage had long played an important part in these recreations; the chariot-races formed strictly the principal amusement in all of them, but these races uniformly took place only on one, viz. the concluding, day, while the earlier days were substantially devoted to stage-entertainments. But for long these stage-representations consisted chiefly of dances and jugglers' feats; the improvised chants, which were produced on these occasions, had neither dialogue nor plot (ii. 98). It was only now that the Romans looked around them for a real drama. The Roman popular festivals were throughout under the influence of the

Greeks, whose talent for amusing and for killing time naturally rendered them purveyors of pleasure for the Romans. Now no national amusement was a greater favourite in Greece, and none was more varied, than the theatre; it could not but speedily attract the attention of those who provided the Roman festivals and their staff of assistants. The earlier Roman stage-chant contained within it a dramatic germ capable perhaps of development; but to develop the drama from that germ required on the part of the poet and the public a genial power of giving and receiving, such as was not to be found among the Romans at all, and least of all at this period; and, had it been possible to find it, the impatience of those entrusted with the amusement of the multitude would hardly have allowed to the noble fruit peace and leisure to ripen. In this case too there was an outward want, which the nation was unable to satisfy; the Romans desired a theatre, but the pieces were wanting.

Rise of a Roman literature.

On these elements Roman literature was based; and its defective character was from the first and necessarily the result of such an origin. All real art has its root in individual freedom and a cheerful enjoyment of life, and the germs of such an art were not wanting in Italy; but, when Roman training substituted for freedom and joyousness the sense of belonging to the community and the consciousness of duty, art was stifled and, instead of growing, could not but pine away. The culminating point of Roman development was the period which had no literature. It was not till Roman nationality began to give way and Hellenico-cosmopolite tendencies began to prevail, that literature made its appearance at Rome in their train. Accordingly from the beginning, and by stringent internal necessity, it took its stand on Greek ground and in broad antagonism to the distinctively Roman national spirit. Roman poetry above all had its immediate origin not from the inward impulse of

the poets, but from the outward demands of the school, which needed Latin manuals, and of the stage, which needed Latin dramas. Now both institutions—the school and the stage—were thoroughly anti-Roman and revolutionary. The gaping and staring idleness of the theatre was an abomination to the sober earnestness and the spirit of activity which animated the Roman of the olden type; and—inasmuch as it was the deepest and noblest conception lying at the root of the Roman commonwealth, that within the circle of Roman burgesses there should be neither master nor slave, neither *millionnaire* nor beggar, but that above all a like faith and a like culture should characterize all Romans—the school and the necessarily exclusive school-culture were far more dangerous still, and were in fact utterly destructive of the sense of equality. The school and the theatre became the most effective levers in the hands of the new spirit of the age, and all the more so that they used the Latin tongue. Men might perhaps speak and write Greek and yet not cease to be Romans; but in this case they accustomed themselves to speak in the Roman language, while the whole inward being and life were Greek. It is not one of the most pleasing, but it is one of the most remarkable and in a historical point of view most instructive, facts in this brilliant era of Roman conservatism, that during its course Hellenism struck root in the whole field of intellect not immediately political, and that the *maître de plaisir* of the great public and the schoolmaster in close alliance created a Roman literature.

Livius Andronicus.

In the very earliest Roman author the later development appears, as it were, in embryo. The Greek Andronikos (from before 482, till after 547), afterwards as a Roman burgess called Lucius[1] Livius Andronicus, came to Rome at an early age in 482 among the other captives taken at 272. 207. 272.

[1] The later rule, by which the freedman necessarily bore the *praenomen* of his patron, was not yet applied in republican Rome.

Tarentum (ii. 37) and passed into the possession of the conqueror of Sena (ii. 348) Marcus Livius Salinator (consul
219. 207. 535, 547). He was employed as a slave, partly in acting and copying texts, partly in giving instruction in the Latin and Greek languages, which he taught both to the children of his master and to other boys of wealthy parents in and out of the house. He distinguished himself so much in this way that his master gave him freedom, and even the authorities, who not unfrequently availed themselves of his services —commissioning him, for instance, to prepare a thanksgiving-chant after the fortunate turn taken by the Hannibalic
207. war in 547—out of regard for him conceded to the guild of poets and actors a place for their common worship in the temple of Minerva on the Aventine. His authorship arose out of his double occupation. As schoolmaster he translated the Odyssey into Latin, in order that the Latin text might form the basis of his Latin, as the Greek text was the basis of his Greek, instruction; and this earliest of Roman schoolbooks maintained its place in education for centuries. As an actor, he not only like every other wrote for himself the texts themselves, but he also published them as books, that is, he read them in public and diffused them by copies. What was still more important, he substituted the Greek drama for the old essentially lyrical stage poetry. It was in
240. 514, a year after the close of the first Punic war, that the first play was exhibited on the Roman stage. This creation of an epos, a tragedy, and a comedy in the Roman language, and that by a man who was more Roman than Greek, was historically an event; but we cannot speak of his labours as having any artistic value. They make no sort of claim to originality; viewed as translations, they are characterized by a barbarism which is only the more perceptible, that this poetry does not naïvely display its own native simplicity, but strives, after a pedantic and stammering fashion, to imitate the high artistic culture of the neighbouring

people. The wide deviations from the original have arisen not from the freedom, but from the rudeness of the imitation; the treatment is sometimes insipid, sometimes turgid, the language harsh and quaint.[1] We have no difficulty in believing the statement of the old critics of art, that, apart from the compulsory reading at school, none of the poems of Livius were taken up a second time. Yet these labours were in various respects norms for succeeding times. They began the Roman translated literature, and naturalized the Greek metres in Latium. The reason why these were adopted only in the dramas, while the Odyssey of Livius was written in the national Saturnian measure, evidently was that the iambuses and trochees of tragedy and comedy far more easily admitted of imitation in Latin than the epic dactyls.

But this preliminary stage of literary development was soon passed. The epics and dramas of Livius were regarded by posterity, and undoubtedly with perfect justice, as resembling the rigid statues of Daedalus destitute of emotion or expression—curiosities rather than works of art.

[1] One of the tragedies of Livius presented the line—

Quem ego néfrendem alui lácteam immulgéns opem.

The verses of Homer (*Odyssey*, xii. 16):

οὐδ' ἄρα Κίρκην
ἐξ Ἀΐδεω ἐλθόντες ἐλήθομεν, ἀλλὰ μάλ' ὦκα
ἦλθ' ἐντυναμένη· ἅμα δ' ἀμφίπολοι φέρον αὐτῇ
σῖτον καὶ κρέα πολλὰ καὶ αἴθοπα οἶνον ἐρυθρόν.

are thus interpreted:

Tópper cíti ad aédis—vénimus Circae
Simúl dúona córam (?)—pórtant ad návis,
Mília dlia in ísdem—inserúntur.

The most remarkable feature is not so much the barbarism as the thoughtlessness of the translator, who, instead of sending Circe to Ulysses, sends Ulysses to Circe. Another still more ridiculous mistake is the translation of αἰδοίοισιν ἔδωκα (*Odyss.* xv. 373) by *lusi* (Festus, *Ep. v. affatim*, p. 11, *Müller*). Such traits are not in a historical point of view matters of indifference; we recognize in them the stage of intellectual culture which marked these earliest Roman verse-making schoolmasters, and we at the same time perceive that, although Andronicus was born in Tarentum, Greek cannot have been properly his mother-tongue.

But in the following generation, now that the foundations were once laid, there arose a lyric, epic, and dramatic art; and it is of great importance, even in a historical point of view, to trace this poetical development.

Drama. Both as respects extent of production and influence over the public, the drama stood at the head of the poetry

Theatre. thus developed in Rome. In antiquity there was no permanent theatre with fixed admission-money; in Greece as in Rome the drama made its appearance only as an element in the annually-recurring or extraordinary amusements of the citizens. Among the measures by which the government counteracted or imagined that they counteracted that extension of the popular festivals which they justly regarded with anxiety, they refused to permit the erection of a stone building for a theatre.[1] Instead of this there was erected for each festival a scaffolding of boards with a stage for the actors (*proscaenium*, *pulpitum*) and a decorated background (*scaena*); and in a semicircle in front of it was staked off the space for the spectators (*cavea*), which was merely sloped without steps or seats, so that, if the spectators had not chairs brought along with them, they squatted, reclined, or stood.[2] The women were probably separated at an early period, and were restricted to the uppermost and worst places; otherwise there was

194. no distinction of places in law till 560, after which, as already mentioned (p. 10), the lowest and best positions were reserved for the senators.

[1] Such a building was, no doubt, constructed for the Apollinarian

179. games in the Flaminian circus in 575 (Liv. xl. 51; Becker, *Top.* p. 605); but it was probably soon afterwards pulled down again (Tertull. *de Spect.* 10).

155. [2] In 599 there were still no seats in the theatre (Ritschl, *Parerg.* i. p. xviii. xx. 214; comp. Ribbeck, *Trag.* p. 285); but, as not only the authors of the Plautine prologues, but Plautus himself on various occasions, make allusions to a sitting audience (*Mil. Glor.* 82, 83; *Aulul.* iv. 9, 6; *Trucul. ap. fin.*; *Epid. ap. fin.*), most of the spectators must have brought stools with them or have seated themselves on the ground.

The audience was anything but genteel. The better classes, it is true, did not keep aloof from the general recreations of the people; the fathers of the city seem even to have been bound for decorum's sake to appear on these occasions. But the very nature of a burgess festival implied that, while slaves and probably foreigners also were excluded, admittance free of charge was given to every burgess with his wife and children;[1] and accordingly the body of spectators cannot have differed much from what one sees in the present day at public fireworks and *gratis* exhibitions. Naturally, therefore, the proceedings were not too orderly; children cried, women talked and shrieked, now and then a wench prepared to push her way to the stage; the ushers had on these festivals anything but a holiday, and found frequent occasion to confiscate a mantle or to ply the rod. Audience.

The introduction of the Greek drama increased the demands on the dramatic staff, and there seems to have been no redundance in the supply of capable actors: on one occasion for want of actors a piece of Naevius had to be performed by amateurs. But this produced no change in the position of the artist; the poet or, as he was at this time called, the "writer," the actor, and the composer not only belonged still, as formerly, to the class of workers for hire in itself little esteemed (p. 94), but were still, as formerly, placed in the most marked way under the ban of public opinion, and subjected to police maltreatment (ii. 98). Of course all reputable persons kept aloof from such an occupation. The manager of the company

[1] Women and children appear to have been at all times admitted to the Roman theatre (Val. Max. vi. 3, 12; Plutarch., *Quaest. Rom.* 14; Cicero, *de Har. Resp.* 12, 24; Vitruv. v. 3, 1; Suetonius, *Aug.* 44, &c.); but slaves were *de jure* excluded (Cicero, *de Har. Resp.* 12, 26; Ritschl, *Parerg.* i. p. xix. 223), and the same must doubtless have been the case with foreigners, excepting of course the guests of the community, who took their places among or by the side of the senators (Varro, v. 155; Justin. xliii. 5, 10; Sueton. *Aug.* 44).

(*dominus gregis*, *factionis*, also *choragus*), who was ordinarily also the chief actor, was generally a freedman, and its members were ordinarily his slaves; the composers, whose names have reached us, were all of them non-free. The remuneration was not merely small—a *honorarium* of 8000 sesterces (£80) given to a dramatist is described shortly after the close of this period as unusually high—but was, moreover, only paid by the magistrates providing the festival, if the piece was not a failure. With the payment the matter ended; poetical competitions and honorary prizes, such as took place in Attica, were not yet heard of in Rome—the Romans at this time appear to have simply applauded or hissed as we now do, and to have brought forward only a single piece for exhibition each day.[1] Under such circumstances, where art worked for daily wages and the artist instead of receiving due honour was subjected to disgrace, the new national theatre of the Romans could not present any development either original or even at all artistic; and, while the noble rivalry of the noblest Athenians had called into life the Attic drama, the Roman drama taken as a whole could be nothing but a spoiled copy of its predecessor, in which the only wonder is that it has been able to display so much grace and wit in the details.

[1] It is not necessary to infer from the prologues of Plautus (*Cas.* 17; *Amph.* 65) that there was a distribution of prizes (Ritschl, *Parerg.* i. 229); even the passage *Trin.* 706, may very well belong to the Greek original, not to the translator; and the total silence of the *didascaliae* and prologues, as well as of all tradition, on the point of prize tribunals and prizes is decisive.

That only one piece was produced each day we infer from the fact, that the spectators come from home at the beginning of the piece (*Poen.* 10), and return home after its close (*Epid. Pseud. Rud. Stich. Truc. ap. fin.*). They went, as these passages show, to the theatre after the second breakfast, and were at home again for the midday meal; the performance thus lasted, according to our reckoning, from about noon till half-past two o'clock, and a piece of Plautus, with music in the intervals between the acts, might probably occupy nearly that length of time (comp. Horat. *Ep.* ii. 1, 189). The passage, in which Tacitus (*Ann.* xiv. 20) makes the spectators spend "whole days" in the theatre, refers to the state of matters at a later period.

Comedy.

In the dramatic world comedy greatly preponderated over tragedy; the spectators knit their brows, when instead of the expected comedy a tragedy began. Thus it happened that, while this period exhibits poets who devoted themselves specially to comedy, such as Plautus and Caecilius, it presents none who cultivated tragedy alone; and among the dramas of this epoch known to us by name there occur three comedies for one tragedy. Of course the Roman comic poets, or rather translators, laid hands in the first instance on the pieces which had possession of the Hellenic stage at the time; and thus they found themselves exclusively[1] confined to the range of the newer Attic comedy, and chiefly to its best-known poets, Philemon of Soli in Cilicia (394?–492) and Menander of Athens (412–462). This comedy came to be of so great importance as regards the development not only of Roman literature, but even of the nation at large, that even history has reason to pause and consider it.

360-262.

342-292.

Character of the newer Attic comedy.

The pieces are of tiresome monotony. Almost without exception the plot turns on helping a young man, at the expense either of his father or of some *leno*, to obtain possession of a sweetheart of undoubted charms and of very doubtful morals. The path to success in love regularly lies through some sort of pecuniary fraud; and the crafty servant, who provides the needful sum and performs the requisite swindling while the lover is mourning over his amatory and pecuniary distresses, is the real mainspring of

[1] The scanty use made of what is called the middle Attic comedy does not require notice in a historical point of view, since it was nothing but the Menandrian comedy in a less developed form. There is no trace of any employment of the older comedy. The Roman tragi-comedy—after the type of the *Amphitruo* of Plautus—was no doubt styled by the Roman literary historians *fabula Rhinthonica*; but the newer Attic comedians also composed such parodies, and it is difficult to see why the Romans should have resorted for their translations to Rhinthon and the older writers rather than to those who were nearer to their own times.

the piece. There is no want of the due accompaniment of reflections on the joys and sorrows of love, of tearful parting-scenes, of lovers who in the anguish of their hearts threaten to do themselves a mischief; love or rather amorous intrigue was, as the old critics of art say, the very life-breath of the Menandrian poetry. Marriage forms, at least with Menander, the inevitable finale; on which occasion, for the greater edification and satisfaction of the spectators, the virtue of the heroine usually comes forth almost if not wholly untarnished, and the heroine herself proves to be the lost daughter of some rich man and so in every respect an eligible match. Along with these love-pieces we find others of a pathetic kind. Among the comedies of Plautus, for instance, the *Rudens* turns on a shipwreck and the right of asylum; while the *Trinummus* and the *Captivi* contain no amatory intrigue, but depict the generous devotedness of the friend to his friend and of the slave to his master. Persons and situations recur down to the very details like patterns on a carpet; we never get rid of the asides of unseen listeners, of knocking at the house-doors, and of slaves scouring the streets on some errand or other. The standing masks, of which there was a certain fixed number—viz., eight masks for old men, and seven for servants—from which alone in ordinary cases at least the poet had to make his choice, further favoured a stock-model treatment. Such a comedy almost of necessity rejected the lyrical element in the older comedy—the chorus—and confined itself from the first to conversation, or at most recitation; it was devoid not of the political element only, but of all true passion and of all poetical elevation. The pieces judiciously made no pretence to any grand or really poetical effect: their charm resided primarily in furnishing occupation for the intellect, not only through their subject-matter—in which respect the newer comedy was distinguished from the old as much by the

greater intrinsic emptiness as by the greater outward complication of the plot—but more especially through their execution in detail, in which the point and polish of the conversation more particularly formed the triumph of the poet and the delight of the audience. Complications and confusions of one person with another, which very readily allowed scope for extravagant, often licentious, practical jokes—as in the *Casina*, which winds up in genuine Falstaffian style with the retiring of the two bridegrooms and of the soldier dressed up as bride—jests, drolleries, and riddles, which in fact for want of real conversation furnished the staple materials of entertainment at the Attic table of the period, fill up a large portion of these comedies. The authors of them wrote not like Eupolis and Aristophanes for a great nation, but rather for a cultivated society which spent its time, like other clever circles whose cleverness finds little fit scope for action, in guessing riddles and playing at charades. They give us, therefore, no picture of their times; of the great historical and intellectual movements of the age no trace appears in these comedies, and we need to recall, in order to realize, the fact that Philemon and Menander were really contemporaries of Alexander and Aristotle. But they give us a picture, equally elegant and faithful, of that refined Attic society beyond the circles of which comedy never travels. Even in the dim Latin copy, through which we chiefly know it, the grace of the original is not wholly obliterated; and more especially in the pieces which are imitated from Menander, the most talented of these poets, the life which the poet saw and shared is delicately reflected not so much in its aberrations and distortions as in its amiable every-day course. The friendly domestic relations between father and daughter, husband and wife, master and servant, with their love-affairs and other little critical incidents, are portrayed with

so broad a truthfulness, that even now they do not miss their effect: the servants' feast, for instance, with which the *Stichus* concludes is, in the limited range of its relations and the harmony of the two lovers and the one sweetheart, of unsurpassed gracefulness in its kind. The elegant grisettes, who make their appearance perfumed and adorned, with their hair fashionably dressed and in variegated, gold-embroidered, sweeping robes, or even perform their toilette on the stage, are very effective. In their train come the procuresses, sometimes of the most vulgar sort, such as one who appears in the *Curculio*, sometimes duennas like Goethe's old Barbara, such as Scapha in the *Mostellaria;* and there is no lack of brothers and comrades ready with their help. There is great abundance and variety of parts representing the old: there appear in turn the austere and avaricious, the fond and tender-hearted, and the indulgent accommodating, papas, the amorous old man, the easy old bachelor, the jealous aged matron with her old maid-servant who takes part with her mistress against her master; whereas the young men's parts are less prominent, and neither the first lover, nor the virtuous model son who here and there occurs, lays claim to much significance. The servant-world—the crafty valet, the stern house-steward, the old vigilant tutor, the rural slave redolent of garlic, the impertinent page—forms a transition to the very numerous professional parts. A standing figure among these is the jester (*parasitus*) who, in return for permission to feast at the table of the rich, has to entertain the guests with drolleries and charades, or, according to circumstances, to let the potsherds be flung at his head. This was at that time a formal trade in Athens; and it is certainly no mere poetical fiction which represents such a parasite as expressly preparing himself for his work by means of his books of witticisms and anecdotes. Favourite parts, moreover, are those of the cook, who understands

not only how to boast of unheard-of sauces, but also how to pilfer like a professional thief; the shameless *leno*, complacently confessing to the practice of every vice, of whom Ballio in the *Pseudolus* is a model specimen; the military braggadocio, in whom we trace a very distinct reflection of the free-lance habits that prevailed under Alexander's successors; the professional sharper or sycophant, the stingy money-changer, the solemnly silly physician, the priest, mariner, fisherman, and the like. To these fall to be added, lastly, the parts delineative of character in the strict sense, such as the superstitious man of Menander and the miser in the *Aulularia* of Plautus. The national-Hellenic poetry has preserved, even in this its last creation, its indestructible plastic vigour; but the delineation of character is here copied from without rather than reproduced from inward experience, and the more so, the more the task approaches to the really poetical. It is a significant circumstance that, in the parts illustrative of character to which we have just referred, the psychological truth is in great part represented by abstract development of the conception; the miser here collects the parings of his nails and laments the tears which he sheds as a waste of water. But the blame of this want of depth in the portraying of character, and generally of the whole poetical and moral hollowness of this newer comedy, lay less with the comic writers than with the nation as a whole. Everything distinctively Greek was expiring: fatherland, national faith, domestic life, all nobleness of action and sentiment were gone; poetry, history, and philosophy were inwardly exhausted; and nothing remained to the Athenian save the school, the fish-market, and the brothel. It is no matter of wonder and hardly a matter of blame, that poetry, which is destined to shed a glory over human existence, could make nothing more out of such a life than the Menandrian comedy presents to us. It is at the same

time very remarkable that the poetry of this period, wherever it was able to turn away in some degree from the corrupt Attic life without falling into scholastic imitation, immediately gathers strength and freshness from the ideal. In the only remnant of the mock-heroic comedy of this period—the *Amphitruo* of Plautus—there breathes throughout a purer and more poetical atmosphere than in all the other remains of the contemporary stage. The good-natured gods treated with gentle irony, the noble forms from the heroic world, and the ludicrously cowardly slaves present the most wonderful mutual contrasts; and, after the comical course of the plot, the birth of the son of the gods amidst thunder and lightning forms an almost grand concluding effect. But this task of turning the myths into irony was innocent and poetical, as compared with that of the ordinary comedy depicting the Attic life of the period. No special accusation may be brought from a historico-moral point of view against the poets, nor ought it to be made matter of individual reproach to any particular poet that he occupies the level of his epoch: comedy was not the cause, but the effect of the corruption that prevailed in the national life. But it is necessary, more especially with a view to judge correctly the influence of these comedies on the life of the Roman people, to point out the abyss which yawned beneath all that polish and elegance. The coarsenesses and obscenities, which Menander indeed in some measure avoided, but of which there is no lack in the other poets, are the least part of the evil. Features far worse are, the dreadful desolation of life in which the only oases are lovemaking and intoxication; the fearfully prosaic atmosphere, in which anything resembling enthusiasm is to be found only among the sharpers whose heads have been turned by their own swindling, and who prosecute the trade of cheating with some sort of zeal; and above all that immoral morality, with which the pieces of Menander in

particular are garnished. Vice is chastised, virtue is rewarded, and any peccadilloes are covered by conversion at or after marriage. There are pieces, such as the *Trinummus* of Plautus and several of Terence, in which all the characters down to the slaves possess some admixture of virtue; all swarm with honest men who allow deception on their behalf, with maidenly virtue wherever possible, with lovers equally favoured and making love in company; moral commonplaces and well-turned ethical maxims abound. A finale of reconciliation such as that of the *Bacchides*, where the swindling sons and the swindled fathers by way of a good winding up all go to carouse together in the brothel, presents a corruption of morals thoroughly worthy of Kotzebue.

Roman comedy.

Such were the foundations, and such the elements which shaped the growth, of Roman comedy. Originality was in its case excluded not merely by want of aesthetic freedom, but in the first instance, probably, by its subjection to police control. Among the considerable number of Latin comedies of this sort which are known to us, there is not one that did not announce itself as an imitation of a definite Greek model; the title was only complete when the names of the Greek piece and of its author were also given, and if, as occasionally happened, the "novelty" of a piece was disputed, the question was merely whether it had been previously translated. Comedy laid the scene of its plot abroad not only frequently, but regularly and under the pressure of necessity; and that species of art derived its special name (*fabula palliata*) from the fact, that the scene was laid away from Rome, usually in Athens, and that the *dramatis personae* were Greeks or at any rate not Romans. The foreign costume is strictly carried out even in detail, especially in those things in which the uncultivated Roman was distinctly sensible of the contrast. Thus the names of Rome and the Romans are avoided,

Its Hellenism a necessary result of the law.

and, where they are referred to, they are called in good Greek "foreigners" (*barbari*); in like manner among the appellations of moneys and coins, that occur ever so frequently, there does not once appear a Roman coin. We form a strange idea of men of so great and so versatile talents as Naevius and Plautus, if we refer such things to their free choice: this strange and clumsy "exterritorial" character of Roman comedy was undoubtedly due to causes very different from aesthetic considerations. The transference of such social relations, as are uniformly delineated in the new Attic comedy, to the Rome of the Hannibalic period would have been a direct outrage on its civic order and morality. But, as the dramatic spectacles at this period were regularly given by the aediles and praetors who were entirely dependent on the senate, and even extraordinary festivals, funeral games for instance, could not take place without permission of the government; and as the Roman police, moreover, was not in the habit of standing on ceremony in any case, and least of all in dealing with the comedians; the reason is self-evident why this comedy, even after it was admitted as one of the Roman national amusements, might still bring no Roman upon the stage, and remained as it were banished to foreign lands.

Political neutrality.

The compilers were still more decidedly prohibited from naming any living person in terms either of praise or censure, as well as from any captious allusion to the circumstances of the times. In the whole repertory of the Plautine and post-Plautine comedy, there is not, so far as we know, matter for a single action of damages. In like manner—if we leave out of view some wholly harmless jests—we meet hardly any trace of invectives levelled at communities (invectives which, owing to the lively municipal spirit of the Italians, would have been specially dangerous), except the significant scoff at the unfortunate Capuans and

Atellans (ii. 366) and, what is remarkable, various sarcasms on the arrogance and the bad Latin of the Praenestines.[1] In general no references to the events or circumstances of the present occur in the pieces of Plautus. The only exceptions are, congratulations on the course of the war[2] or on the peaceful times; general sallies directed against usurious dealings in grain or money, against extravagance, against bribery by candidates, against the too frequent triumphs, against those who made a trade of collecting forfeited fines, against farmers of the revenue distraining for payment, against the dear prices of the oil-dealers; and once—in the *Curculio*—a more lengthened diatribe as to the doings in the Roman market, reminding us of the *parabases* of the older Attic comedy, and but little likely to cause offence (p. 124). But even in the midst of such patriotic endeavours, which from a police point of view were entirely in order, the poet interrupts himself;

Sed sumne ego stultus, qui rem curo publicam
Ubi sunt magistratus, quos curare oporteat?

and taken as a whole, we can hardly imagine a comedy

[1] *Bacch.* 24; *Trin.* 609; *Truc.* iii. 2, 23. Naevius also, who in fact was generally less scrupulous, ridicules the Praenestines and Lanuvini (*Com.* 21, *Ribb.*). There are indications more than once of a certain variance between the Praenestines and Romans (Liv. xxiii. 20, xlii. 1); and the executions in the time of Pyrrhus (ii. 18) as well as the catastrophe in that of Sulla, were certainly connected with this variance.—Innocent jokes, such as *Capt.* 160, 881, of course passed uncensured.—The compliment paid to Massilia in *Cas.* v. 4, 1, deserves notice.

[2] Thus the prologue of the *Cistellaria* concludes with the following words, which may have a place here as the only contemporary mention of the Hannibalic war in the literature that has come down to us:—

Haec res sic gesta est. Bene valete, et vincite
Virtute vera, quod fecistis antidhac;
Servate vostros socios, veteres et novos;
Augete auxilia vostris iustis legibus;
Perdite perduelles: parite laudem et lauream
Ut vobis victi Poeni poenas sufferant.

The fourth line (*augete auxilia vostris iustis legibus*) has reference to the supplementary payments imposed on the negligent Latin colonies in 550 (Liv. xxix. 15; see ii. 350). 204.

politically more tame than was that of Rome in the sixth century.[1] The oldest Roman comic writer of note, Gnaeus Naevius, alone forms a remarkable exception. Although he did not write exactly original Roman comedies, the few fragments of his, which we possess, are full of references to circumstances and persons in Rome. Among other liberties he not only ridiculed one Theodotus a painter by name, but even directed against the victor of Zama the following verses, of which Aristophanes need not have been ashamed:

Etiam qui res magnas manu saepe gessit gloriose,
Cujus facta viva nunc vigent, qui apud gentes solus praestat,
Eum suus pater cum pallio uno ab amica abduxit.

As he himself says,

Libera lingua loquemur ludis Liberalibus,

he may have often written at variance with police rules, and put dangerous questions, such as:

Cedo qui vestram rem publicam tantam amisistis tam cito?

which he answered by an enumeration of political sins, such as:

Proveniebant oratores novi, stulti adulescentuli.

But the Roman police was not disposed like the Attic to hold stage-invectives and political diatribes as privileged, or even to tolerate them at all. Naevius was put in prison for these and similar sallies, and was obliged to remain there, till he had publicly made amends and recantation in other comedies. These quarrels, apparently, drove him

[1] For this reason we can hardly be too cautious in assuming allusions on the part of Plautus to the events of the times. Recent investigation has set aside many instances of mistaken acuteness of this sort; but might not even the reference to the Bacchanalia, which is found in *Cas.* v. 4, 11 (Ritschl, *Parerg.* i. 192), have been expected to incur censure? We might even reverse the case and infer from the notices of the festival of Bacchus in the *Casina* and some other pieces (*Amph.* 703; *Aul.* iii. 1, 3; *Bacch.* 53, 371; *Mil. Glor.* 1016; and especially *Men.* 836), that these were written at a time when it was not yet dangerous to speak of the Bacchanalia.

from his native land; but his successors took warning from his example—one of them indicates very plainly, that he has no desire whatever to incur an involuntary gagging like his colleague Naevius. Thus the result was accomplished —not much less unique of its kind than the conquest of Hannibal—that, during an epoch of the most feverish national excitement, there arose a national stage utterly destitute of political tinge.

Character of the editing of Roman comedy.

But the restrictions thus stringently and laboriously imposed by custom and police on Roman poetry stifled its very breath. Not without reason might Naevius declare the position of the poet under the sceptre of the Lagidae and Seleucidae enviable as compared with his position in free Rome.[1] The degree of success in individual instances was of course determined by the quality of the original which was followed, and by the talent of the individual editor; but amidst all their individual variety the whole stock of translations must have agreed in certain leading features, inasmuch as all the comedies were adapted to similar conditions of exhibition and a similar audience.

Persons and situations.

The treatment of the whole as well as of the details was uniformly in the highest degree free; and it was necessary that it should be so. While the original pieces were performed in presence of that society which they copied, and in this very fact lay their principal charm, the Roman audience of this period was so different from the Attic, that it was not even in a position rightly to understand that foreign world. The Roman comprehended neither the grace and kindliness, nor the sentimentalism and the whitened emptiness of the domestic life of the Hellenes. The slave-world was utterly different; the Roman slave

[1] The remarkable passage in the *Tarentilla* can have no other meaning:—

Quae ego in theatro hic meis probavi plausibus,
Ea non audere quemquam regem rumpere:
Quanto libertatem hanc hic superat servitus!

was a piece of household furniture, the Attic slave was a servant. Where marriages of slaves occur or a master carries on a kindly conversation with his slave, the Roman translators ask their audience not to take offence at such things which are usual in Athens;[1] and, when at a later period comedies began to be written in Roman costume, the part of the crafty servant had to be rejected, because the Roman public did not tolerate slaves of this sort overlooking and controlling their masters. The professional figures and those illustrative of character, which were sketched more broadly and farcically, bore the process of transference better than the polished figures of every-day life; but even of those delineations the Roman editor had to lay aside several—and these probably the very finest and most original, such as the Thais, the match-maker, the moon-conjuress, and the mendicant priest of Menander—and to keep chiefly to those foreign trades, with which the Greek luxury of the table, already very generally diffused in Rome, had made his audience familiar. If the professional cook and the jester in the comedy of Plautus are delineated with so striking vividness and so much relish, the explanation lies in the fact, that Greek cooks had even at that time daily offered their services in the Roman market, and that Cato found it necessary even to instruct his steward not to keep a jester. In like manner the translator could make no use of a very large portion of the elegant Attic conversation in his originals. The Roman citizen or farmer stood in much the same relation to the refined revelry and debauchery of Athens, as the German of a provincial town to the mysteries of the Palais Royal. A science of cookery, in the strict sense,

[1] The ideas of the modern Hellas on the point of slavery are illustrated by the passage in Euripides (*Ion*, 854; comp. *Helena*, 728):—

> Ἓν γάρ τι τοῖς δούλοισιν αἰσχύνην φέρει,
> Τοὔνομα· τὰ δ' ἄλλα πάντα τῶν ἐλευθέρων.
> Οὐδεὶς κακίων δοῦλος, ὅστις ἐσθλὸς ᾖ.

never entered into his thoughts; the dinner-parties no doubt continued to be very numerous in the Roman imitation, but everywhere the plain Roman roast pork predominated over the variety of baked meats and the refined sauces and dishes of fish. Of the riddles and drinking songs, of the Greek rhetoric and philosophy, which played so great a part in the originals, we meet only a stray trace now and then in the Roman adaptation.

Construction of the plot.

The havoc, which the Roman editors were compelled in deference to their audience to make in the originals, drove them inevitably into methods of cancelling and amalgamating incompatible with any artistic construction. It was usual not only to throw out whole character-parts of the original, but also to insert others taken from other comedies of the same or of another poet; a treatment indeed which, owing to the outwardly methodical construction of the originals and the recurrence of standing figures and incidents, was not quite so bad as it might seem. Moreover the poets, at least in the earlier period, allowed themselves the most singular liberties in the construction of the plot. The plot of the *Stichus* (performed in 554) 200. otherwise so excellent turns upon the circumstance, that two sisters, whom their father urges to abandon their absent husbands, play the part of Penelopes, till the husbands return home with rich mercantile gains and with a beautiful damsel as a present for their father-in-law. In the *Casina*, which was received with quite special favour by the public, the bride, from whom the piece is named and around whom the plot revolves, does not make her appearance at all, and the *dénouement* is quite naïvely described by the epilogue as "to be enacted later within." Very often the plot as it thickens is suddenly broken off, the connecting thread is allowed to drop, and other similar signs of an unfinished art appear. The reason of this is to be sought probably far less in the unskilfulness of the Roman editors,

than in the indifference of the Roman public to aesthetic laws. Taste, however, gradually formed itself. In the later pieces Plautus has evidently bestowed more care on their construction, and the *Captivi* for instance, the *Pseudolus*, and the *Bacchides* are executed in a masterly manner after their kind. His successor Caecilius, none of whose pieces are extant, is said to have especially distinguished himself by the more artistic treatment of the subject.

Roman barbarism.

In the treatment of details the endeavour of the poet to bring matters as far as possible home to his Roman hearers, and the rule of police which required that the pieces should retain a foreign character, produced the most singular contrasts. The Roman gods, the ritual, military, and juristic terms of the Romans, present a strange appearance amid the Greek world; Roman *aediles* and *tresviri* are grotesquely mingled with *agoranomi* and *demarchi;* pieces whose scene is laid in Aetolia or Epidamnus send the spectator without scruple to the Velabrum and the Capitol. Such a patchwork of Roman local tints distributed over the Greek ground is barbarism enough; but interpolations of this nature, which are often in their naïve way very ludicrous, are far more tolerable than that thorough alteration of the pieces into a ruder shape, which the editors deemed necessary to suit the far from Attic culture of their audience. It is true that several even of the new Attic poets probably needed no accession to their coarseness; pieces like the *Asinaria* of Plautus cannot owe their unsurpassed dulness and vulgarity solely to the translator. Nevertheless coarse incidents so prevail in the Roman comedy, that the translators must either have interpolated them or at least have made a very one-sided selection. In the endless abundance of cudgelling and in the lash ever suspended over the back of the slaves we recognize very clearly the household-government inculcated by Cato, just as we recognize the Catonian

opposition to women in the never-ending disparagement of wives. Among the jokes of their own invention, with which the Roman editors deemed it proper to season the elegant Attic dialogue, several are almost incredibly unmeaning and barbarous.[1]

Metrical treatment.

So far as concerns metrical treatment on the other hand, the flexible and sounding verse on the whole does all honour to the composers. The fact that the iambic trimeters, which predominated in the originals and were alone suitable to their moderate conversational tone, were very frequently replaced in the Latin edition by iambic or trochaic tetrameters, is to be attributed not so much to any want of skill on the part of the editors who knew well how to handle the trimeter, as to the uncultivated taste of the Roman public which was pleased with the sonorous magnificence of the long verse even where it was not appropriate.

Scenic arrangements.

Lastly, the arrangements for the production of the pieces on the stage bore the like stamp of indifference to

[1] For instance, in the otherwise very graceful examination which in the *Stichus* of Plautus the father and his daughters institute into the qualities of a good wife, the irrelevant question—whether it is better to marry a virgin or a widow—is inserted, merely in order that it may be answered by a no less irrelevant and, in the mouth of the interlocutrix, altogether absurd commonplace against women. But that is a trifle compared with the following specimen. In Menander's *Plocium* a husband bewails his troubles to his friend :—

> Ἔχω δ' ἐπίκληρον Δάμιαν· οὐκ εἰρηκά σοι
> Τοῦτ' ; εἶτ' ἆρ' οὐχί ; κυρίαν τῆς οἰκίας
> Καὶ τῶν ἀγρῶν καὶ πάντων ἀντ' ἐκείνης
> Ἔχομεν, Ἄπολλον, ὡς χαλεπῶν χαλεπώτατον.
> Ἅπασι δ' ἀργαλέα 'στίν, οὐκ ἐμοὶ μόνῳ,
> Τίῳ, πολὺ μᾶλλον θυγατρί.—πρᾶγμ' ἄμαχον λέγεις·
> Εὖ οἶδα.

In the Latin edition of Caecilius, this conversation, so elegant in its simplicity, is converted into the following uncouth dialogue :—

> *Sed tua morosane uxor quaeso est ?—Ua ! rogas ?—*
> *Qui tandem ?—Taedet mentionis, quae mihi*
> *Ubi domum adveni ac sedi, extemplo savium*
> *Dat jejuna anima.—Nil peccat de savio :*
> *Ut devomas volt, quod foris potaveris.*

aesthetic requirements on the part of the managers and the public. The stage of the Greeks—which on account of the extent of the theatre and from the performances taking place by day made no pretension to acting properly so called, employed men to represent female characters, and absolutely required an artificial strengthening of the voice of the actor—was entirely dependent, in a scenic as well as acoustic point of view, on the use of facial and resonant masks. These were well known also in Rome; in amateur performances the players appeared without exception masked. But the actors who were to perform the Greek comedies in Rome were not supplied with the masks—beyond doubt much more artificial—that were necessary for them; a circumstance which, apart from all else in connection with the defective acoustic arrangements of the stage,[1] not only compelled the actor to exert his voice unduly, but drove Livius to the highly inartistic but inevitable expedient of having the portions which were to be sung performed by a singer not belonging to the staff of actors, and accompanied by the mere dumb show of the actor within whose part they fell. As little were the givers of the Roman festivals disposed to put themselves to material expense for decorations and machinery. The Attic stage regularly presented a street with houses in the background, and had no shifting decorations; but, besides various other apparatus, it possessed more especially a contrivance for pushing forward on the chief stage a smaller one representing the interior of a house. The Roman theatre, however, was not provided with this; and we can hardly therefore throw the blame on the poet, if everything, even childbirth, was represented on the street.

[1] Even when the Romans built stone theatres, these had not the sounding-apparatus by which the Greek architects supported the efforts of the actors (Vitruv. v. 5, 8).

Such was the nature of the Roman comedy of the sixth century. The mode in which the Greek dramas were transferred to Rome furnishes a picture, historically invaluable, of the diversity in the culture of the two nations; but in an aesthetic and a moral point of view the original did not stand high, and the imitation stood still lower. The world of beggarly rabble, to whatever extent the Roman editors might take possession of it under the benefit of the inventory, presented in Rome a forlorn and strange aspect, shorn as it were of its delicate characteristics: comedy no longer rested on the basis of reality, but persons and incidents seemed capriciously or carelessly mingled as in a game of cards; in the original a picture from life, it became in the reproduction a caricature. Under a management which could announce a Greek *agon* with flute-playing, choirs of dancers, tragedians, and athletes, and eventually convert it into a boxing-match (p. 127); and in presence of a public which, as later poets complain, ran away *en masse* from the play, if there were pugilists, or rope-dancers, or even gladiators to be seen; poets such as the Roman composers were—workers for hire and of inferior social position—were obliged even perhaps against their own better judgment and their own better taste to accommodate themselves more or less to the prevailing frivolity and rudeness. It was quite possible, nevertheless, that there might arise among them individuals of lively and vigorous talent, who were able at least to repress the foreign and factitious element in poetry, and, when they had found their fitting sphere, to produce pleasing and even important creations. Aesthetic result.

At the head of these stood Gnaeus Naevius, the first Roman who deserves to be called a poet, and, so far as the accounts preserved regarding him and the few fragments of his works allow us to form an opinion, to all appearance as regards talent one of the most remarkable and most important Naevius.

names in the whole range of Roman literature. He was a younger contemporary of Andronicus—his poetical activity began considerably before, and probably did not end till after, the Hannibalic war—and felt in a general sense his influence; he was, as is usually the case in artificial literatures, a worker in all the forms of art produced by his predecessor, in epos, tragedy, and comedy, and closely adhered to him in the matter of metres. Nevertheless, an immense chasm separates the poets and their poems. Naevius was neither freedman, schoolmaster, nor actor, but a citizen of unstained character although not of rank, belonging probably to one of the Latin communities of Campania, and a soldier in the first Punic war.[1] In thorough contrast to the language of Livius, that of Naevius is easy and clear, free from all stiffness and affectation, and seems even in tragedy to avoid pathos as it were on purpose; his verses, in spite of the not unfrequent *hiatus* and various other licences afterwards disallowed, have a smooth and graceful flow.[2] While the quasi-poetry

[1] The personal notices of Naevius are sadly confused. Seeing that he fought in the first Punic war, he cannot have been born later than
259. 235. 495. Dramas, probably the first, were exhibited by him in 519 (Gell. xii.
204. 21, 45). That he had died as early as 550, as is usually stated, was doubted by Varro (*ap.* Cic. *Brut.* 15, 60), and certainly with reason; if it were true, he must have made his escape during the Hannibalic war to the soil of the enemy. The sarcastic verses on Scipio (p. 150) cannot have been written before the battle of Zama. We may place his life between
264. 194. 490 and 560, so that he was a contemporary of the two Scipios who fell in 543
211. (Cic. *de Rep.* iv. 10), ten years younger than Andronicus, and perhaps ten years older than Plautus. His Campanian origin is indicated by Gellius, and his Latin nationality, if proof of it were needed, by himself in his epitaph. The hypothesis that he was not a Roman citizen, but possibly a burgess of Cales or of some other Latin town in Campania, renders the fact that the Roman police treated him so unscrupulously the more easy of explanation. At any rate he was not an actor, for he served in the army.

[2] Compare, *e.g.*, with the verse of Livius the fragment from Naevius' tragedy of *Lycurgus*:—

Vos, qui regalis corporis custodias
Agitatis, ite actutum in frundiferos locos,
Ingenio arbusta ubi nata sunt, non obsita;

of Livius proceeded, somewhat like that of Gottsched in Germany, from purely external impulses and moved wholly in the leading-strings of the Greeks, his successor emancipated Roman poetry, and with the true divining-rod of the poet struck those springs out of which alone in Italy a native poetry could well up—national history and comedy. Epic poetry no longer merely furnished the schoolmaster with a lesson-book, but addressed itself independently to the hearing and reading public. Composing for the stage had been hitherto, like the preparation of the stage costume, a subsidiary employment of the actor or a mechanical service performed for him; with Naevius the relation was inverted, and the actor now became the servant of the composer. His poetical activity is marked throughout by a national stamp. This stamp is most distinctly impressed on his grave national drama and on his national epos, of which we shall have to speak hereafter; but it also appears in his comedies, which of all his poetic performances seem to have been the best adapted to his talents and the most successful. It was probably, as we have already said (p. 150), external considerations alone that induced the poet to adhere in comedy so much as he did to the Greek originals; and this did not prevent him from far outstripping his successors and probably even the insipid originals in the freshness of his mirth and in the fulness of his living interest in the present; indeed in a certain sense he reverted to the paths of the Aristophanic comedy. He felt full well, and in his epitaph expressed, what he had been to his nation:

or the famous words, which in the *Hector Profisciscens* Hector addresses to Priam:

Laetus sum laudari me abs te, pater, a laudato viro;

and the charming verse from the *Tarentilla*;—

Alii adnutat, alii adnictat; alium amat, alium tenet.

Immortales mortales si foret fas flere,
Flerent divae Camenae Naevium poetam;
Itaque, postquam est Orci traditus thesauro,
Obliti sunt Romae loquier lingua Latina.

Such proud language on the part of the man and the poet well befitted one who had witnessed and had personally taken part in the struggles with Hamilcar and with Hannibal, and who had discovered for the thoughts and feelings of that age—so deeply agitated and so elevated by mighty joy—a poetical expression which, if not exactly the highest, was sound, adroit, and national. We have already mentioned (p. 150) the troubles into which his licence brought him with the authorities, and how, driven presumably by these troubles from Rome, he ended his life at Utica. In his instance likewise the individual life was sacrificed for the common weal, and the beautiful for the useful.

Plautus. 254-184.

His younger contemporary, Titus Maccius Plautus (500?–570), appears to have been far inferior to him both in outward position and in the conception of his poetic calling. A native of the little town of Sassina, which was originally Umbrian but was perhaps by this time Latinized, he earned his livelihood in Rome at first as an actor, and then—after he had lost in mercantile speculations what he had gained by his acting—as a theatrical composer reproducing Greek comedies, without occupying himself with any other department of literature and probably without laying claim to authorship properly so called. There seems to have been at that time a considerable number of persons who made a trade of thus editing comedies in Rome; but their names, especially as they did not perhaps in general publish their works,[1] were virtually forgotten, and the pieces

[1] This hypothesis appears necessary, because otherwise the ancients could not have hesitated in the way they did as to the genuineness or spuriousness of the pieces of Plautus: in the case of no author, properly so called, of Roman antiquity, do we find anything like a similar uncertainty as to his literary property. In this respect, as in so many other external points, there exists the most remarkable analogy between Plautus and Shakespeare.

belonging to this stock of plays, which were preserved, passed in after times under the name of the most popular of them, Plautus. The *litteratores* of the following century reckoned up as many as 130 such "Plautine pieces"; but of these a large portion at any rate were merely revised by Plautus or had no connection with him at all; the best of them are still extant. To form a proper judgment, however, regarding the poetical character of the editor is very difficult, if not impossible, since the originals have not been preserved. That the editors reproduced good and bad pieces without selection; that they were subject and subordinate both to the police and to the public; that they were as indifferent to aesthetical requirements as their audience, and to please the latter, lowered the originals to a farcical and vulgar tone—are objections which apply rather to the whole manufacture of translations than to the individual remodeller. On the other hand we may regard as characteristic of Plautus, the masterly handling of the language and of the varied rhythms, a rare skill in adjusting and working the situation for dramatic effect, the almost always clever and often excellent dialogue, and, above all, a broad and fresh humour, which produces an irresistible comic effect with its happy jokes, its rich vocabulary of nicknames, its whimsical coinage of words, its pungent, often mimic, descriptions and situations—excellences, in which we seem to recognize the former actor. Undoubtedly the editor even in these respects retained what was successful in the originals rather than furnished contributions of his own. Those portions of the pieces which can with certainty be traced to the translator are, to say the least, mediocre; but they enable us to understand why Plautus became and remained the true popular poet of Rome and the true centre of the Roman stage, and why even after the passing away of the Roman world the theatre has repeatedly reverted to his plays.

Caecilius. Still less are we able to form a special opinion as to the third and last—for though Ennius wrote comedies, he did so altogether unsuccessfully—comedian of note in this epoch, Statius Caecilius. He resembled Plautus in his position in life and his profession. Born in Cisalpine Gaul in the district of Mediolanum, he was brought among the Insubrian prisoners of war (ii. 228, 371) to Rome, and earned a livelihood, first as a slave, afterwards as a freedman, by remodelling Greek comedies for the theatre down to his
168. probably early death (586). His language was not pure, as was to be expected from his origin; on the other hand, he directed his efforts, as we have already said (p. 154), to a more artistic construction of the plot. His pieces experienced but a dull reception from his contemporaries, and the public of later times laid aside Caecilius for Plautus and Terence; and, if nevertheless the critics of the true literary age of Rome—the Varronian and Augustan epoch—assigned to Caecilius the first place among the Roman editors of Greek comedies, this verdict appears due to the mediocrity of the connoisseur gladly preferring a kindred spirit of mediocrity in the poet to any special features of excellence. These art-critics probably took Caecilius under their wing, simply because he was more regular than Plautus and more vigorous than Terence; notwithstanding which he may very well have been far inferior to both.

Moral result. If therefore the literary historian, while fully acknowledging the very respectable talents of the Roman comedians, cannot recognize in their mere stock of translations a product either artistically important or artistically pure, the judgment of history respecting its moral aspects must necessarily be far more severe. The Greek comedy which formed its basis was morally so far a matter of indifference, as it was simply on the same level of corruption with its audience; but the Roman drama was, at this epoch when men were wavering between the old austerity and the new

corruption, the academy at once of Hellenism and of vice. This Attico-Roman comedy, with its prostitution of body and soul usurping the name of love—equally immoral in shamelessness and in sentimentality—with its offensive and unnatural generosity, with its uniform glorification of a life of debauchery, with its mixture of rustic coarseness and foreign refinement, was one continuous lesson of Romano-Hellenic demoralization, and was felt as such. A proof of this is preserved in the epilogue of the *Captivi* of Plautus:—

Spectatores, ad pudicos mores facta haec fabulast.
Neque in hac subigitationes sunt neque ulla amatio
Nec pueri suppositio nec argenti circumductio,
Neque ubi amans adulescens scortum liberet clam suum patrem.
Huius modi paucas poetae reperiunt comoedias,
Ubi boni meliores fiant. Nunc vos, si vobis placet,
Et si placuimus neque odio fuimus, signum hoc mittite;
Qui pudicitiae esse voltis praemium, plausum date!

We see here the opinion entertained regarding the Greek comedy by the party of moral reform; and it may be added, that even in those rarities, moral comedies, the morality was of a character only adapted to ridicule innocence more surely. Who can doubt that these dramas gave a practical impulse to corruption? When Alexander the Great derived no pleasure from a comedy of this sort which its author read before him, the poet excused himself by saying that the fault lay not with him, but with the king; that, in order to relish such a piece, a man must be in the habit of holding revels and of giving and receiving blows in an intrigue. The man knew his trade: if, therefore, the Roman burgesses gradually acquired a taste for these Greek comedies, we see at what a price it was bought. It is a reproach to the Roman government not that it did so little in behalf of this poetry, but that it tolerated it at all. Vice no doubt is powerful even without a pulpit; but that is no excuse for erecting a pulpit to proclaim it. To debar the Hellenic comedy from immediate contact with the

persons and institutions of Rome, was a subterfuge rather than a serious means of defence. In fact, comedy would probably have been much less injurious morally, had they allowed it to have a more free course, so that the calling of the poet might have been ennobled and a Roman poetry in some measure independent might have been developed; for poetry is also a moral power, and, if it inflicts deep wounds, it can do much to heal them. As it was, in this field also the government did too little and too much; the political neutrality and moral hypocrisy of its stage-police contributed their part to the fearfully rapid breaking up of the Roman nation.

National comedy.

But, while the government did not allow the Roman comedian to depict the state of things in his native city or to bring his fellow-citizens on the stage, a national Latin comedy was not absolutely precluded from springing up; for the Roman burgesses at this period were not yet identified with the Latin nation, and the poet was at liberty to lay the plot of his pieces in the Italian towns of Latin rights just as in Athens or Massilia. In this way, in fact, the Latin original comedy arose (*fabula togata*[1]): the

[1] *Togatus* denotes, in juristic and generally in technical language, the Italian in contradistinction not merely to the foreigner, but also to the Roman burgess. Thus especially *formula togatorum* (*Corp. Inscr. Lat.*, I. n. 200, v. 21, 50) is the list of those Italians bound to render military service, who do not serve in the legions. The designation also of Cisalpine Gaul as *Gallia togata*, which first occurs in Hirtius and not long after disappears again from the ordinary *usus loquendi*, describes this region presumably according to its legal position, in so far as in the epoch from 665 to 705 the great majority of its communities possessed Latin rights. Virgil appears likewise in the *gens togata*, which he mentions along with the Romans (*Aen.* i. 282), to have thought of the Latin nation.

89. 49.

According to this view we shall have to recognize in the *fabula togata* the comedy which laid its plot in Latium, as the *fabula palliata* had its plot in Greece; the transference of the scene of action to a foreign land is common to both, and the comic writer is wholly forbidden to bring on the stage the city or the burgesses of Rome. That in reality the *togata* could only have its plot laid in the towns of Latin rights, is shown by the fact that all the towns in which, to our knowledge, pieces of Titinius and Afranius had their scene—Setia, Ferentinum, Velitrae, Brundisium,—demonstrably had Latin or, at any rate, allied rights down to the Social war. By the

earliest known composer of such pieces, Titinius, flourished probably about the close of this period.[1] Titinius.

This comedy was also based on the new Attic intrigue-piece; it was not translation, however, but imitation; the scene of the piece lay in Italy, and the actors appeared in the national dress (ii. 60), the *toga*. Here the Latin life and doings were brought out with peculiar freshness. The pieces delineate the civil life of the middle-sized towns of Latium; the very titles, such as *Psaltria* or *Ferentinatis*, *Tibicina*, *Iurisperita*, *Fullones*, indicate this; and many particular incidents, such as that of the townsman who has his shoes made after the model of the sandals of the Alban kings, tend to confirm it. The female characters preponderate in a remarkable manner over the male.[2] With genuine national pride the poet recalls the great times of the Pyrrhic war, and looks down on his new Latin neighbours,—

Qui Obsce et Volsce fabulantur; nam Latine nesciunt.

This comedy belongs to the stage of the capital quite as much as did the Greek; but it was probably animated by

extension of the franchise to all Italy the writers of comedy lost this Latin localisation for their pieces, for Cisalpine Gaul, which *de jure* took the place of the Latin communities, lay too far off for the dramatists of the capital, and so the *fabula togata* seems in fact to have disappeared. But the *de jure* suppressed communities of Italy, such as Capua and Atella, stepped into this gap (ii. 366, iii. 148), and so far the *fabula Atellana* was in some measure the continuation of the *togata*.

[1] Respecting Titinius there is an utter want of literary information; except that, to judge from a fragment of Varro, he seems to have been older than Terence (558–595, Ritschl, *Parerg.* i. 194) for more indeed, cannot be inferred from that passage, and though, of the two groups there compared the second (Trabea, Atilius, Caecilius) is on the whole older than the first (Titinius, Terentius, Atta), it does not exactly follow that the oldest of the junior group is to be deemed younger than the youngest of the elder. 196-159.

[2] Of the fifteen comedies of Titinius, with which we are acquainted, six are named after male characters (*baratus? coecus*, *fullones*, *Hortensius*, *Quintus*, *varus*), and nine after female (*Gemina*, *iurisperita*, *prilia? privigna*, *psaltria* or *Ferentinatis*, *Setina*, *tibicina*, *Veliterna*, *Ulubrana?*), two of which, the *iurisperita* and the *tibicina*, are evidently parodies of men's occupations. The feminine world preponderates also in the fragments.

something of that rustic antagonism to the ways and the evils of a great town, which appeared contemporaneously in Cato and afterwards in Varro. As in the German comedy, which proceeded from the French in much the same way as the Roman comedy from the Attic, the French Lisette was very soon superseded by the *Frauenzimmerchen* Franziska, so the Latin national comedy sprang up, if not with equal poetical power, at any rate with the same tendency and perhaps with similar success, by the side of the Hellenizing comedy of the capital.

Tragedies.

Greek tragedy as well as Greek comedy came in the course of this epoch to Rome. It was a more valuable, and in a certain respect also an easier, acquisition than comedy. The Greek and particularly the Homeric epos, which was the basis of tragedy, was not unfamiliar to the Romans, and was already interwoven with their own national legends; and the susceptible foreigner found himself far more at home in the ideal world of the heroic myths than in the fish-market of Athens. Nevertheless tragedy also promoted, only with less abruptness and less vulgarity, the anti-national and Hellenizing spirit; and in this point of view it was a circumstance of the most decisive importance, that the Greek tragic stage of this period was chiefly under the sway of Euripides (274–348). This is not the place for a thorough delineation of that remarkable man and of his still more remarkable influence on his contemporaries and posterity; but the intellectual movements of the later Greek and the Graeco-Roman epoch were to so great an extent affected by him, that it is indispensable to sketch at least the leading outlines of his character. Euripides was one of those poets who raise poetry doubtless to a higher level, but in this advance manifest far more the true sense of what ought to be than the power of poetically creating it. The profound saying which morally as well as poetically sums up all tragic art—that action is passion—holds true

Euripides. 480-406.

no doubt also of ancient tragedy; it exhibits man in action, but it makes no real attempt to individualize him. The unsurpassed grandeur with which the struggle between man and destiny fulfils its course in Aeschylus depends substantially on the circumstance, that each of the contending powers is only conceived broadly and generally; the essential humanity in Prometheus and Agamemnon is but slightly tinged by poetic individualizing. Sophocles seizes human nature under its general conditions, the king, the old man, the sister; but not one of his figures displays the microcosm of man in all his aspects—the features of individual character. A high stage was here reached, but not the highest; the delineation of man in his entireness and the entwining of these individual—in themselves finished—figures into a higher poetical whole form a greater achievement, and therefore, as compared with Shakespeare, Aeschylus and Sophocles represent imperfect stages of development. But, when Euripides undertook to present man as he is, the advance was logical and in a certain sense historical rather than poetical. He was able to destroy the ancient tragedy, but not to create the modern. Everywhere he halted half-way. Masks, through which the expression of the life of the soul is, as it were, translated from the particular into the general, were as necessary for the typical tragedy of antiquity as they are incompatible with the tragedy of character; but Euripides retained them. With remarkably delicate tact the older tragedy had never presented the dramatic element, to which it was unable to allow free scope, unmixed, but had constantly fettered it in some measure by epic subjects from the superhuman world of gods and heroes and by the lyrical choruses. One feels that Euripides was impatient under these fetters: with his subjects he came down at least to semi-historic times, and his choral chants were of so subordinate importance, that they were frequently omitted in subsequent performance and

hardly to the injury of the pieces; but yet he has neither placed his figures wholly on the ground of reality, nor entirely thrown aside the chorus. Throughout and on all sides he is the full exponent of an age in which, on the one hand, the grandest historical and philosophical movement was going forward, but in which, on the other hand, the primitive fountain of all poetry—a pure and homely national life—had become turbid. While the reverential piety of the older tragedians sheds over their pieces as it were a reflected radiance of heaven; while the limitation of the narrow horizon of the older Hellenes exercises its satisfying power even over the hearer; the world of Euripides appears in the pale glimmer of speculation as much denuded of gods as it is spiritualised, and gloomy passions shoot like lightnings athwart the gray clouds. The old deeply-rooted faith in destiny has disappeared; fate governs as an outwardly despotic power, and the slaves gnash their teeth as they wear its fetters. That unbelief, which is despairing faith, speaks in this poet with superhuman power. Of necessity therefore the poet never attains a plastic conception overpowering himself, and never reaches a truly poetic effect on the whole; for which reason he was in some measure careless as to the construction of his tragedies, and indeed not unfrequently altogether spoiled them in this respect by providing no central interest either of plot or person—the slovenly fashion of weaving the plot in the prologue, and of unravelling it by a *Deus ex machinâ* or a similar platitude, was in reality brought into vogue by Euripides. All the effect in his case lies in the details; and with great art certainly every effort has in this respect been made to conceal the irreparable want of poetic wholeness. Euripides is a master in what are called effects; these, as a rule, have a sensuously-sentimental colouring, and often moreover stimulate the sensuous impression by a special high seasoning, such as the interweaving of subjects

relating to love with murder or incest. The delineations of Polyxena willing to die and of Phaedra pining away under the grief of secret love, above all the splendid picture of the mystic ecstasies of the Bacchae, are of the greatest beauty in their kind; but they are neither artistically nor morally pure, and the reproach of Aristophanes, that the poet was unable to paint a Penelope, was thoroughly well founded. Of a kindred character is the introduction of common compassion into the tragedy of Euripides. While his stunted heroes or heroines, such as Menelaus in the *Helena*, Andromache, Electra as a poor peasant's wife, the sick and ruined merchant Telephus, are repulsive or ridiculous and ordinarily both, the pieces, on the other hand, which keep more to the atmosphere of common reality and exchange the character of tragedy for that of the touching family-piece or that almost of sentimental comedy, such as the *Iphigenia in Aulis*, the *Ion*, the *Alcestis*, produce perhaps the most pleasing effect of all his numerous works. With equal frequency, but with less success, the poet attempts to bring into play an intellectual interest. Hence springs the complicated plot, which is calculated not like the older tragedy to move the feelings, but rather to keep curiosity on the rack; hence the dialectically pointed dialogue, to us non-Athenians often absolutely intolerable; hence the apophthegms, which are scattered throughout the pieces of Euripides like flowers in a pleasure-garden; hence above all the psychology of Euripides, which rests by no means on direct reproduction of human experience, but on rational reflection. His Medea is certainly in so far painted from life, that she is before departure properly provided with money for her voyage; but of the struggle in the soul between maternal love and jealousy the unbiassed reader will not find much in Euripides. But, above all, poetic effect is replaced in the tragedies of Euripides by moral or political purpose. Without strictly or directly entering on

the questions of the day, and having in view throughout social rather than political questions, Euripides in the legitimate issues of his principles coincided with the contemporary political and philosophical radicalism, and was the first and chief apostle of that new cosmopolitan humanity which broke up the old Attic national life. This was the ground at once of that opposition which the ungodly and un-Attic poet encountered among his contemporaries, and of that marvellous enthusiasm, with which the younger generation and foreigners devoted themselves to the poet of emotion and of love, of apophthegm and of tendency, of philosophy and of humanity. Greek tragedy in the hands of Euripides stepped beyond its proper sphere and consequently broke down; but the success of the cosmopolitan poet was only promoted by this, since at the same time the nation also stepped beyond its sphere and broke down likewise. The criticism of Aristophanes probably hit the truth exactly both in a moral and in a poetical point of view; but poetry influences the course of history not in proportion to its absolute value, but in proportion as it is able to forecast the spirit of the age, and in this respect Euripides was unsurpassed. And thus it happened, that Alexander read him diligently; that Aristotle developed the idea of the tragic poet with special reference to him; that the latest poetic and plastic art in Attica as it were originated from him (for the new Attic comedy did nothing but transfer Euripides into a comic form, and the school of painters which we meet with in the designs of the later vases derived its subjects no longer from the old epics, but from the Euripidean tragedy); and lastly that, the more the old Hellas gave place to the new Hellenism, the more the fame and influence of the poet increased, and Greek life abroad, in Egypt as well as in Rome, was directly or indirectly moulded in the main by Euripides.

The Hellenism of Euripides flowed to Rome through

very various channels, and probably produced a speedier and deeper effect there by indirect means than in the form of direct translation. The tragic drama in Rome was not exactly later in its rise than the comic (p. 136); but the far greater expense of putting a tragedy on the stage—which was undoubtedly felt as a consideration of moment, at least during the Hannibalic war—as well as the nature of the audience (p. 139) retarded the development of tragedy. In the comedies of Plautus the allusions to tragedies are not very frequent, and most references of this kind may have been taken from the originals. The first and only influential tragedian of this epoch was the younger contemporary of Naevius and Plautus, Quintus Ennius (515–585), whose pieces were already travestied by contemporary comic writers, and were exhibited and declaimed by posterity down to the days of the empire. Roman tragedy. 239-169

The tragic drama of the Romans is far less known to us than the comic: on the whole the same features, which have been noticed in the case of comedy, are presented by tragedy also. The dramatic stock, in like manner, was mainly formed by translations of Greek pieces. The preference was given to subjects derived from the siege of Troy and the legends immediately connected with it, evidently because this cycle of myths alone was familiar to the Roman public through instruction at school; by their side incidents of striking horror predominate, such as matricide or infanticide in the *Eumenides*, the *Alcmaeon*, the *Cresphontes*, the *Melanippe*, the *Medea*, and the immolation of virgins in the *Polyxena*, the *Erechthides*, the *Andromeda*, the *Iphigenia*—we cannot avoid recalling the fact, that the public for which these tragedies were prepared was in the habit of witnessing gladiatorial games. The female characters and ghosts appear to have made the deepest impression. In addition to the rejection of masks, the most remarkable deviation of the Roman edition from the

original related to the chorus. The Roman theatre, fitted up doubtless in the first instance for comic plays without chorus, had not the special dancing-stage (*orchestra*) with the altar in the middle, on which the Greek chorus performed its part, or, to speak more correctly, the space thus appropriated among the Greeks served with the Romans as a sort of pit; accordingly the choral dance at least, with its artistic alternations and intermixture of music and declamation, must have been omitted in Rome, and, even if the chorus was retained, it had but little importance. Of course there were various alterations of detail, changes in the metres, curtailments, and disfigurements; in the Latin edition of the *Iphigenia* of Euripides, for instance, the chorus of women was—either after the model of another tragedy, or by the editor's own device—converted into a chorus of soldiers. The Latin tragedies of the sixth century cannot be pronounced good translations in our sense of the word;[1] yet it is probable that a tragedy of

[1] We subjoin, for comparison, the opening lines of the *Medea* in the original of Euripides and in the version of Ennius:—

Εἴθ' ὄφελ' Ἀργοῦς μὴ διαπτάσθαι σκάφος	
Κόλχων ἐς αἶαν κυανέας Συμπληγάδας,	
Μηδ' ἐν νάπαισι Πηλίου πεσεῖν ποτε	*Utinam ne in nemore Pelio securibus Caesa accidisset abiegna ad terram trabes,*
Τμηθεῖσα πεύκη, μηδ' ἐρετμῶσαι χέρας	*Neve inde navis inchoandae exordium Coepisset, quae nunc nominatur nomine*
Ἀνδρῶν ἀρίστων, οἳ τὸ πάγχρυσον δέρος	*Argo, quia Argivi in ea delecti viri Vecti petebant pellem inauratam arietis*
Πελίᾳ μετῆλθον· οὐ γὰρ ἂν δέσποιν' ἐμὴ	*Colchis, imperio regis Peliae, per dolum.*
Μήδεια πύργους γῆς ἔπλευσ' Ἰωλκίας	*Nam nunquam era errans mea domo efferret pedem*
Ἔρωτι θυμὸν ἐκπλαγεῖσ' Ἰάσονος.	*Medea, animo aegra, amore saevo saucia.*

The variations of the translation from the original are instructive—not only its tautologies and periphrases, but also the omission or explanation of the less familiar mythological names, *e.g.* the Symplegades, the Iolcian

Ennius gave a far less imperfect image of the original of Euripides than a comedy of Plautus gave of the original of Menander.

The historical position and influence of Greek tragedy in Rome were entirely analogous to those of Greek comedy; and while, as the difference in the two kinds of composition necessarily implied, the Hellenistic tendency appeared in tragedy under a purer and more spiritual form, the tragic drama of this period and its principal representative Ennius displayed far more decidedly an anti-national and consciously propagandist aim. Ennius, hardly the most important but certainly the most influential poet of the sixth century, was not a Latin by birth, but on the contrary by virtue of his origin half a Greek. Of Messapian descent and Hellenic training, he settled in his thirty-fifth year at Rome, and lived there—at first as a resident alien, but after 570 as a burgess (p. 28)—in straitened circumstances, supported partly by giving instruction in Latin and Greek, partly by the proceeds of his pieces, partly by the donations of those Roman grandees, who, like Publius Scipio, Titus Flamininus, and Marcus Fulvius Nobilior, were inclined to promote the modern Hellenism and to reward the poet who sang their own and their ancestors' praises and even accompanied some of them to the field in the character, as it were, of a poet laureate nominated beforehand to celebrate the great deeds which they were to perform. He has himself elegantly described the client-like qualities requisite for such a calling.[1] From the outset and by

Moral effect of tragedy.

184.

land, the Argo. But the instances in which Ennius has really misunderstood the original are rare.

[1] Beyond doubt the ancients were right in recognizing a sketch of the poet's own character in the passage in the seventh book of the Annals, where the consul calls to his side the confidant,

quocum bene saepe libenter
Mensam sermonesque suos rerumque suarum
Congeriem partit, magnam cum lassus diei
Partem fuisset de summis rebus regundis

virtue of the whole tenor of his life a cosmopolite, he had the skill to appropriate the distinctive features of the nations among which he lived—Greek, Latin, and even Oscan—without devoting himself absolutely to any one of them; and while the Hellenism of the earlier Roman poets was the result rather than the conscious aim of their poetic activity, and accordingly they at least attempted more or less to take their stand on national ground, Ennius on the contrary is very distinctly conscious of his revolutionary tendency, and evidently labours with zeal to bring into vogue neologico-Hellenic ideas among the Italians. His most serviceable instrument was tragedy. The remains of his tragedies show that he was well acquainted with the whole range of the Greek tragic drama and with Aeschylus and Sophocles in particular; it is the less therefore the result of accident, that he has modelled the great majority of his pieces, and all those that attained celebrity, on Euripides. In the selection and treatment he was doubtless influenced partly by external considerations. But these alone cannot account for his bringing forward so decidedly the Euripidean element in Euripides; for his neglecting the choruses still more than did his original; for his laying still stronger emphasis on sensuous effect than the Greek; nor for his taking up pieces like

Consilio indu foro lato sanctoque senatu:
Cui res audacter magnas parvasque iocumque
Eloqueretur, cuncta simul malaque et bona dictu
Evomeret, si qui vellet, tutoque locaret.
Quocum multa volup ac gaudia clamque palamque.
Ingenium cui nulla malum sententia suadet
Ut faceret facinus lenis aut malus, doctus fidelis
Suavis homo facundus suo contentus beatus
Scitus secunda loquens in tempore commodus verbum
Paucum, multa tenens antiqua sepulta, vetustas
Quem fecit mores veteresque novosque tenentem,
Multorum veterum leges divumque hominumque,
Prudenter qui dicta loquive tacereve possit.

In the line before the last we should probably read *multarum rerum leges divumque hominumque.*

the *Thyestes* and the *Telephus* so well known from the immortal ridicule of Aristophanes, with their princes' woes and woful princes, and even such a piece as *Menalippa the Female Philosopher*, in which the whole plot turns on the absurdity of the national religion, and the tendency to make war on it from the physicist point of view is at once apparent. The sharpest arrows are everywhere—and that partly in passages which can be proved to have been inserted[1]—directed against faith in the miraculous, and we almost wonder that the censorship of the Roman stage allowed such tirades to pass as the following:—

Ego deum genus esse semper dixi et dicam caelitum,
Sed eos non curare opinor, quid agat humanum genus;
Nam si curent, bene bonis sit, male malis, quod nunc abest.

We have already remarked (p. 113) that Ennius scientifically inculcated the same irreligion in a didactic poem of his own; and it is evident that he was in earnest with this freethinking. With this trait other features are quite accordant—his political opposition tinged with radicalism, that here and there appears;[2] his singing the praises of the Greek pleasures of the table (p. 123); above all his setting aside the last national element in Latin poetry, the Saturnian measure, and substituting for it the Greek hexameter. That the "multiform" poet executed all these tasks with equal neatness, that he elaborated hexameters out of a language of by no means dactylic

[1] Comp. p. 428. Euripides (*Iph. in Aul.* 956) defines the soothsayer as a man,

Ὃς ὀλίγ' ἀληθῆ, πολλὰ δὲ ψευδῆ λέγει
Τυχών, ὅταν δὲ μὴ τύχῃ, διοίχεται.

This is turned by the Latin translator into the following diatribe against the casters of horoscopes:—

Astrologorum signa in caelo quaesit, observat, Iovis
Cum capra aut nepa aut exoritur lumen aliquod beluae.
Quod est ante pedes, nemo spectat: caeli scrutantur plagas.

[2] In the *Telephus* we find him saying—

Palam mutire plebeio piaculum est.

structure, and that without checking the natural flow of his style he moved with confidence and freedom amidst unwonted measures and forms—are so many evidences of his extraordinary plastic talent, which was in fact more Greek than Roman;[1] where he offends us, the offence is owing much more frequently to Greek alliteration[2] than to Roman ruggedness. He was not a great poet, but a man of graceful and sprightly talent, throughout possessing the vivid sensibilities of a poetic nature, but needing the tragic buskin to feel himself a poet and wholly destitute of the comic vein. We can understand the pride with which the Hellenizing poet looked down on those rude strains

———quos olim Faunei vatesque canebant,

and the enthusiasm with which he celebrates his own artistic poetry:

[1] The following verses, excellent in matter and form, belong to the adaptation of the *Phoenix* of Euripides:—

Sed virum virtute vera vivere animatum addecet,
Fortiterque innoxium vocare adversum adversarios.
Ea libertas est, qui pectus purum et firmum gestitat:
Aliae res obnoxiosae nocte in obscura latent.

In the *Scipio*, which was probably incorporated in the collection of miscellaneous poems, the graphic lines occurred:—

— — mundus caeli vastus constitit silentio,
Et Neptunus saevus undis asperis pausam dedit.
Sol equis iter repressit ungulis volantibus;
Constitere amnes perennes, arbores vento vacant.

This last passage affords us a glimpse of the way in which the poet worked up his original poems. It is simply an expansion of the words which occur in the tragedy *Hectoris Lustra* (the original of which was probably by Sophocles) as spoken by a spectator of the combat between Hephaestus and the Scamander:—

Constitit credo Scamander, arbores vento vacant,

and the incident is derived from the Iliad (xxi. 381).

[2] Thus in the *Phoenix* we find the line:—

— — stultust, qui cupita cupiens cupienter cupit,

and this is not the most absurd specimen of such recurring assonances. He also indulged in acrostic verses (Cic. *de Div.* ii. 54, 111).

Enni poeta, salve, qui mortalibus
Versus propinas flammeos medullitus.

The clever man had an instinctive assurance that he had spread his sails to a prosperous breeze; Greek tragedy became, and thenceforth remained, a possession of the Latin nation.

National dramas.

Through less frequented paths, and with a less favourable wind, a bolder mariner pursued a higher aim. Naevius not only like Ennius—although with far less success—adapted Greek tragedies for the Roman stage, but also attempted to create, independently of the Greeks, a grave national drama (*fabula praetextata*). No outward obstacles here stood in the way; he brought forward subjects both from Roman legend and from the contemporary history of the country on the stage of his native land. Such were his *Nursing of Romulus and Remus* or the *Wolf*, in which Amulius king of Alba appeared, and his *Clastidium*, which celebrated the victory of Marcellus over the Celts in 532 (ii. 228). After his example, Ennius in his *Ambracia* described from personal observation the siege of that city by his patron Nobilior in 565 (ii. 476). But the number of these national dramas remained small, and that species of composition soon disappeared from the stage; the scanty legend and the colourless history of Rome were unable permanently to compete with the rich cycle of Hellenic legends. Respecting the poetic value of the pieces we have no longer the means of judging; but, if we may take account of the general poetical intention, there were in Roman literature few such strokes of genius as the creation of a Roman national drama. Only the Greek tragedians of that earliest period which still felt itself nearer to the gods—only poets like Phrynichus and Aeschylus—had the courage to bring the great deeds which they had witnessed, and in which they had borne a part, on the stage by the side of those of legendary times; and here, if anywhere, we

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are enabled vividly to realize what the Punic wars were and how powerful was their effect, when we find a poet, who like Aeschylus had himself fought in the battles which he sang, introducing the kings and consuls of Rome upon that stage on which men had hitherto been accustomed to see none but gods and heroes.

Recitative poetry.

Recitative poetry also took its rise during this epoch at Rome. Livius naturalized the custom which among the ancients held the place of our modern publication—the public reading of new works by the author—in Rome, at least to the extent of reciting them in his school. As poetry was not in this instance practised with a view to a livelihood, or at any rate not directly so, this branch of it was not regarded by public opinion with such disfavour as writing for the stage: towards the end of this epoch one or two Romans of quality had publicly come forward in this manner as poets.[1] Recitative poetry however was chiefly cultivated by those poets who occupied themselves with writing for the stage, and the former held a subordinate place as compared with the latter; in fact, a public to which read poetry might address itself can have existed only to a very limited extent at this period in Rome.

Satura.

Above all, lyrical, didactic, and epigrammatic poetry found but feeble representation. The religious festival chants—as to which the annals of this period certainly have already thought it worth while to mention the author—as well as the monumental inscriptions on temples and tombs, for which the Saturnian remained the regular measure, hardly belong to literature proper. So far as the minor poetry makes its appearance at all, it presents itself ordinarily, and that as early as the time of Naevius, under the name of

[1] Besides Cato, we find the names of two "consulars and poets" belonging to this period (Sueton. *Vita Terent.* 4)—Quintus Labeo, consul 188. 178. in 571, and Marcus Popillius, consul in 581. But it remains uncertain whether they published their poems. Even in the case of Cato this may be doubted.

satura. This term was originally applied to the old stage-poem without action, which from the time of Livius was driven off the stage by the Greek drama; but in its application to recitative poetry it corresponds in some measure to our "miscellaneous poems," and like the latter denotes not any positive species or style of art, but simply poems not of an epic or dramatic kind, treating of any matters (mostly subjective), and written in any form, at the pleasure of the author. In addition to Cato's "poem on Morals" to be noticed afterwards, which was presumably written in Saturnian verses after the precedent of the older first attempts at a national didactic poetry (ii. 100), there came under this category especially the minor poems of Ennius, which that writer, who was very fertile in this department, published partly in his collection of *saturae*, partly separately. Among these were brief narrative poems relating to the legendary or contemporary history of his country; editions of the religious romance of Euhemerus (p. 113), of the poems dealing with natural philosophy circulating in the name of Epicharmus (p. 113), and of the gastronomics of Archestratus of Gela, a poet who treated of the higher cookery; as also a dialogue between Life and Death, fables of Aesop, a collection of moral maxims, parodies and epigrammatic trifles—small matters, but indicative of the versatile powers as well as the neological didactic tendencies of the poet, who evidently allowed himself the freest range in this field, which the censorship did not reach.

Metrical annals.

Naevius.

The attempts at a metrical treatment of the national annals lay claim to greater poetical and historical importance. Here too it was Naevius who gave poetic form to so much of the legendary as well as of the contemporary history as admitted of connected narrative; and who, more especially, recorded in the half-prosaic Saturnian national metre the story of the first Punic war

simply and distinctly, with a straightforward adherence to fact, without disdaining anything at all as unpoetical, and without at all, especially in the description of historical times, going in pursuit of poetical flights or embellishments —maintaining throughout his narrative the present tense.[1] What we have already said of the national drama of the same poet, applies substantially to the work of which we are now speaking. The epic, like the tragic, poetry of the Greeks lived and moved essentially in the heroic period; it was an altogether new and, at least in design, an enviably grand idea—to light up the present with the lustre of poetry. Although in point of execution the chronicle of Naevius may not have been much better than the rhyming chronicles of the middle ages, which are in various respects of kindred character, yet the poet was certainly justified in regarding this work of his with an altogether peculiar complacency. It was no small achievement, in an age when there was absolutely no historical literature except official records, to have composed for his countrymen a connected account of the deeds of their own and the earlier time, and in addition to have placed before their eyes the noblest incidents of that history in a dramatic form.

[1] The following fragments will give some idea of its tone. Of Dido he says:

Blande et docte percontat—Aeneas quo pacto
Troiam urbem liquerit.

Again of Amulius:

Manusque susum ad caelum—sustulit suas rex
Amulius; gratulatur—divis.

Part of a speech where the indirect construction is remarkable:

Sin illos deserant for—tissumos virorum
Magnum stuprum populo—fieri per gentis.

256. With reference to the landing at Malta in 498:

Transit Melitam Romanus—insulam integram
Urit populatur vastat—rem hostium concinnat.

Lastly as to the peace which terminated the war concerning Sicily:

Id quoque paciscunt moenia—sint Lutatium quae
Reconcilient; captivos—plurimos idem
Sicilienses paiscit—obsides ut reddant.

Ennius proposed to himself the very same task as Naevius; but the similarity of the subject only brings out into stronger relief the political and poetical contrast between the national and the anti-national poet. Naevius sought out for the new subject a new form; Ennius fitted or forced it into the forms of the Hellenic epos. The hexameter took the place of the Saturnian verse; the ornate style of the Homeridae, striving after plastic vividness of delineation, took the place of the homely historic narrative. Wherever the circumstances admit, Homer is directly translated; *e.g.* the burial of those that fell at Heraclea is described after the model of the burial of Patroclus, and under the helmet of Marcus Livius Stolo, the military tribune who fights with the Istrians, lurks none other than the Homeric Ajax; the reader is not even spared the Homeric invocation of the Muse. The epic machinery is fully set agoing; after the battle of Cannae, for instance, Juno in a full council of the gods pardons the Romans, and Jupiter after obtaining the consent of his wife promises them a final victory over the Carthaginians. Nor do the "Annals" fail to betray the neological and Hellenistic tendencies of the author. The very employment of the gods for mere decoration bears this stamp. The remarkable vision, with which the poem opens, tells in good Pythagorean style how the soul now inhabiting Quintus Ennius had previously been domiciled in Homer and still earlier in a peacock, and then in good physicist style explains the nature of things and the relation of the body to the mind. Even the choice of the subject serves the same purpose—at any rate the Hellenic literati of all ages have found an especially suitable handle for their Graeco-cosmopolite tendencies in this very manipulation of Roman history. Ennius lays stress on the circumstance that the Romans were reckoned Greeks: Ennius.

Contendunt Graecos, Graios memorare solent sos.

The poetical value of the greatly celebrated Annals may easily be estimated after the remarks which we have already made regarding the excellences and defects of the poet in general. It was natural that as a poet of lively sympathies, he should feel himself elevated by the enthusiastic impulse which the great age of the Punic wars gave to the national sensibilities of Italy, and that he should not only often happily imitate Homeric simplicity, but should also and still more frequently make his lines strikingly echo the solemnity and decorum of the Roman character. But the construction of his epic was defective; indeed it must have been very lax and indifferent, when it was possible for the poet to insert a special book by way of supplement to please an otherwise forgotten hero and patron. On the whole the Annals were beyond question the work in which Ennius fell farthest short of his aim. The plan of making an Iliad pronounces its own condemnation. It was Ennius, who in this poem for the first time introduced into literature that changeling compound of epos and of history, which from that time up to the present day haunts it like a ghost, unable either to live or to die. But the poem certainly had its success. Ennius claimed to be the Roman Homer with still greater ingenuousness than Klopstock claimed to be the German, and was received as such by his contemporaries and still more so by posterity. The veneration for the father of Roman poetry was transmitted from generation to generation; even the polished Quintilian says, "Let us revere Ennius as we revere an ancient sacred grove, whose mighty oaks of a thousand years are more venerable than beautiful;" and, if any one is disposed to wonder at this, he may recall analogous phenomena in the successes of the Aeneid, the Henriad, and the Messiad. A mighty poetical development of the nation would indeed have set aside that almost comic official parallel between the Homeric Iliad and the Ennian

Annals as easily as we have set aside the comparison of Karschin with Sappho and of Willamov with Pindar; but no such development took place in Rome. Owing to the interest of the subject especially for aristocratic circles, and the great plastic talent of the poet, the Annals remained the oldest Roman original poem which appeared to the culture of later generations readable or worth reading; and thus, singularly enough, posterity came to honour this thoroughly anti-national epos of a half-Greek *littérateur* as the true model poem of Rome.

Prose literature.

A prose literature arose in Rome not much later than Roman poetry, but in a very different way. It experienced neither the artificial furtherance, by which the school and the stage prematurely forced the growth of Roman poetry, nor the artificial restraint, to which Roman comedy in particular was subjected by the stern and narrow-minded censorship of the stage. Nor was this form of literary activity placed from the outset under the ban of good society by the stigma which attached to the "ballad-singer." Accordingly the prose literature, while far less extensive and less active than the contemporary poetical authorship, had a far more natural growth. While poetry was almost wholly in the hands of men of humble rank and not a single Roman of quality appears among the celebrated poets of this age, there is, on the contrary, among the prose writers of this period hardly a name that is not senatorial; and it is from the circles of the highest aristocracy, from men who had been consuls and censors—the Fabii, the Gracchi, the Scipios—that this literature throughout proceeds. The conservative and national tendency, in the nature of the case, accorded better with this prose authorship than with poetry; but here too—and particularly in the most important branch of this literature, historical composition—the Hellenistic bent had a powerful, in fact too powerful, influence both on matter and form.

Writing of history.

Down to the period of the Hannibalic war there was no historical composition in Rome; for the entries in the book of Annals were of the nature of records and not of literature, and never made any attempt to develop the connection of events. It is a significant illustration of the peculiarity of Roman character, that notwithstanding the extension of the power of the Roman community far beyond the bounds of Italy, and notwithstanding the constant contact of the noble society of Rome with the Greeks who were so fruitful in literary activity, it was not till the middle of the sixth century that there was felt the need and desire of imparting a knowledge of the deeds and fortunes of the Roman people, by means of authorship, to the contemporary world and to posterity. When at length this desire was felt, there were neither literary forms ready at hand for the use of Roman history, nor was there a public prepared to read it, and great talent and considerable time were required to create both. In the first instance, accordingly, these difficulties were in some measure evaded by writing the national history either in the mother-tongue but in that case in verse, or in prose but in that case in Greek. We have already spoken of the metrical chronicles of Naevius
204. 173. (written about 550?) and of Ennius (written about 581); both belong to the earliest historical literature of the Romans, and the work of Naevius may be regarded as the oldest of all Roman historical works. At nearly the same period were composed the Greek "Histories" of
201. Quintus Fabius Pictor[1] (after 553), a man of noble family

[1] That this oldest prose work on the history of Rome was composed in Greek, is established beyond a doubt by Dionys. i. 6, and Cicero, *de Div* i. 21, 43. The Latin Annals quoted under the same name by Quintilian and later grammarians remain involved in mystery, and the difficulty is increased by the circumstance, that there is also quoted under the same name a very detailed exposition of the pontifical law in the Latin language. But the latter treatise will not be attributed by any one, who has traced the development of Roman literature in its connection, to an author of the age of the Hannibalic war; and even Latin annals from that age appear problematical, although it must remain a moot question whether there has

who took an active part in state affairs during the Hannibalic war, and of Publius Scipio, the son of Scipio Africanus († about 590). In the former case they availed 164.
themselves of the poetical art which was already to a certain extent developed, and addressed themselves to a public with a taste for poetry, which was not altogether wanting; in the latter case they found the Greek forms ready to their hand, and addressed themselves—as the interest of their subject stretching far beyond the bounds of Latium naturally suggested—primarily to the cultivated foreigner. The former plan was adopted by the plebeian authors, the latter by those of quality; just as in the time of Frederick the Great an aristocratic literature in the French language subsisted side by side with the native German authorship of pastors and professors, and, while men like Gleim and Ramler wrote war-songs in German, kings and generals wrote military histories in French. Neither the metrical chronicles nor the Greek annals by Roman authors constituted Latin historical composition in the proper sense; this only began with Cato, whose "Origines," not published before the close of this epoch, formed at once the oldest historical work written in Latin and the first important prose work in Roman literature.[1]

All these works, while not coming up to the Greek conception of history,[2] were, as contrasted with the mere

been a confusion of the earlier with a later annalist, Quintus Fabius Maximus Servilianus (consul in 612), or whether there existed an old Latin 142.
edition of the Greek Annals of Fabius as well as of those of Acilius and Albinus, or whether there were two annalists of the name of Fabius Pictor.

The historical work likewise written in Greek, ascribed to Lucius Cincius Alimentus a contemporary of Fabius, seems spurious and a compilation of the Augustan age.

[1] Cato's whole literary activity belonged to the period of his old age (Cicero, *Cat.* 11, 38; Nepos, *Cato*, 3); the composition even of the earlier books of the "Origines" falls not before, and yet probably not long subsequent to, 586 (Plin. *H. N.* iii. 14, 114). 168.

[2] It is evidently by way of contrast with Fabius that Polybius (xl. 6, 4) calls attention to the fact, that Albinus, madly fond of everything Greek, had given himself the trouble of writing history systematically [πραγματικὴν ἱστορίαν].

detached notices of the book of Annals, systematic histories with a connected narrative and a more or less regular structure. They all, so far as we can see, embraced the national history from the building of Rome down to the time of the writer, although in point of title the work of Naevius related only to the first war with Carthage, and that of Cato only to the very early history. They were thus naturally divided into the three sections of the legendary period, of earlier, and of contemporary, history.

History of the origin of Rome.

In the legendary period the history of the origin of the city of Rome was set forth with great minuteness; and in its case the peculiar difficulty had to be surmounted, that there were, as we have already shown (ii. 105), two wholly irreconcileable versions of it in circulation: the national version, which, in its leading outlines at least, was probably already embodied in the book of Annals, and the Greek version of Timaeus, which cannot have remained unknown to these Roman chroniclers. The object of the former was to connect Rome with Alba, that of the latter to connect Rome with Troy; in the former accordingly the city was built by Romulus son of the Alban king, in the latter by the Trojan prince Aeneas. To the present epoch, probably either to Naevius or to Pictor, belongs the amalgamation of the two stories. The Alban prince Romulus remains the founder of Rome, but becomes at the same time the grandson of Aeneas; Aeneas does not found Rome, but is represented as bringing the Roman Penates to Italy and building Lavinium as their shrine, while his son Ascanius founds Alba Longa, the mother-city of Rome and the ancient metropolis of Latium. All this was a sorry and unskilful patchwork. The view that the original Penates of Rome were preserved not, as had hitherto been believed, in their temple in the Roman Forum, but in the shrine at Lavinium, could not but be offensive to the Romans; and the Greek fiction was a still worse expedient,

inasmuch as under it the gods only bestowed on the grandson what they had adjudged to the grandsire. But the redaction served its object: without exactly denying the national origin of Rome, it yet deferred to the Hellenizing tendency, and legalized in some degree that desire to claim kindred with Aeneas and his descendants which was already at this epoch greatly in vogue (p. 130); and thus it became the stereotyped, and was soon accepted as the official, account of the origin of the mighty community.

Apart from the fable of the origin of the city, the Greek historiographers had otherwise given themselves little or no concern as to the Roman commonwealth; so that the presentation of the further course of the national history must have been chiefly derived from native sources. But the scanty information that has reached us does not enable us to discern distinctly what sort of traditions, in addition to the book of Annals, were at the command of the earliest chroniclers, and what they may possibly have added of their own. The anecdotes inserted from Herodotus[1] were probably still foreign to these earliest annalists, and a direct borrowing of Greek materials in this section cannot be proved. The more remarkable, therefore, is the tendency, which is everywhere, even in the case of Cato the enemy of the Greeks, very distinctly apparent, not only to connect Rome with Hellas, but to represent the Italian and Greek nations as having been originally identical. To this tendency we owe the primitive-Italians or Aborigines who were immigrants from Greece, and the primitive-Greeks or Pelasgians whose wanderings brought them to Italy.

The earlier history.

The current story led with some measure of connection, though the connecting thread was but weak and loose, through the regal period down to the institution of the

[1] For instance the history of the siege of Gabii is compiled from the anecdotes in Herodotus as to Zopyrus and the tyrant Thrasybulus, and one version of the story of the exposure of Romulus is framed on the model of the history of the youth of Cyrus as Herodotus relates it.

republic, but at that point legend dried up, and it was not merely difficult but altogether impossible to form a narrative, in any degree connected and readable, out of the lists of magistrates and the scanty notices appended to them. The poets felt this most. Naevius appears for that reason to have passed at once from the regal period to the war regarding Sicily: Ennius, who in the third of his eighteen books was still describing the regal period and in the sixth had already reached the war with Pyrrhus, must have treated the first two centuries of the republic merely in the most general outline. How the annalists who wrote in Greek managed the matter, we do not know. Cato adopted a peculiar course. He felt no pleasure, as he himself says, "in relating what was set forth on the tablet in the house of the Pontifex Maximus, how often wheat had been dear, and when the sun or moon had been eclipsed;" and so he devoted the second and third books of his historical work to accounts of the origin of the other Italian communities and of their admission to the Roman confederacy. He thus got rid of the fetters of chronicle, which reports events year by year under the heading of the magistrates for the time being; the statement in particular, that Cato's historical work narrated events "sectionally," must refer to this feature of his method. This attention bestowed on the other Italian communities, which surprises us in a Roman work, had a bearing on the political position of the author, who leaned throughout on the support of the municipal Italy in his opposition to the doings of the capital; while it furnished a sort of substitute for the missing history of Rome from the expulsion of king Tarquinius down to the Pyrrhic war, by presenting in its own way the main result of that history— the union of Italy under the hegemony of Rome.

Contemporary history.

Contemporary history, again, was treated in a connected and detailed manner. Naevius described the first, and Fabius the second, war with Carthage from their own

knowledge; Ennius devoted at least thirteen out of the eighteen books of his Annals to the epoch from Pyrrhus down to the Istrian war (ii. 372); Cato narrated in the fourth and fifth books of his historical work the wars from the first Punic war down to that with Perseus, and in the two last books, which probably were planned on a different and ampler scale, he related the events of the last twenty years of his life. For the Pyrrhic war Ennius may have employed Timaeus or other Greek authorities; but on the whole the accounts given were based, partly on personal observation or communications of eye-witnesses, partly on each other.

Speeches and letters.

Contemporaneously with historical literature, and in some sense as an appendage to it, arose the literature of speeches and letters. This in like manner was commenced by Cato; for the Romans possessed nothing of an earlier age except some funeral orations, most of which probably were only brought to light at a later period from family archives, such as that which the veteran Quintus Fabius, the opponent of Hannibal, delivered when an old man over his son who had died in his prime. Cato on the other hand committed to writing in his old age such of the numerous orations which he had delivered during his long and active public career as were historically important, as a sort of political memoirs, and published them partly in his historical work, partly, it would seem, as independent supplements to it. There also existed a collection of his letters.

History of other nations.

With non-Roman history the Romans concerned themselves so far, that a certain knowledge of it was deemed indispensable for the cultivated Roman; even old Fabius is said to have been familiar not merely with the Roman, but also with foreign, wars, and it is distinctly testified that Cato diligently read Thucydides and the Greek historians in general. But, if we leave out of view the collection of anecdotes and maxims which Cato compiled for himself as

the fruits of this reading, no trace is discernible of any literary activity in this field.

Uncritical treatment of history.

These first essays in historical literature were all of them, as a matter of course, pervaded by an easy, uncritical spirit; neither authors nor readers readily took offence at inward or outward inconsistencies. King Tarquinius the Second, although he was already grown up at the time of his father's death and did not begin to reign till thirty-nine years afterwards, is nevertheless still a young man when he ascends the throne. Pythagoras, who came to Italy about a generation before the expulsion of the kings, is nevertheless set down by the Roman historians as a friend of the wise Numa.

492. The state-envoys sent to Syracuse in the year 262 transact business with Dionysius the elder, who ascended the throne

406. eighty-six years afterwards (348). This naïve uncritical spirit is especially apparent in the treatment of Roman chronology. Since according to the Roman reckoning—the outlines of which were probably fixed in the previous epoch—the foundation of Rome took place 240 years before the consecration of the Capitoline temple (ii. 106) and 360 years before the burning of the city by the Gauls (ii. 101), and the latter event, which is mentioned also in Greek historical works, fell according to these in the year of the Athenian archon Pyrgion 388 B.C. Ol. 98, 1, the building of Rome accordingly fell on Ol. 8, 1. This was, according to the chronology of Eratosthenes which was already recognized as canonical, the year 436 after the fall of Troy; nevertheless the common story retained as the founder of Rome the grandson of the Trojan Aeneas. Cato, who like a good financier checked the calculation, no doubt drew attention in this instance to the incongruity; but he does not appear to have proposed any mode of getting over the difficulty—the list of the Alban kings, which was afterwards inserted with this view, certainly did not proceed from him.

Partiality.

The same uncritical spirit, which prevailed in the early history, prevailed also to a certain extent in the representation of historical times. The accounts certainly without exception bore that strong party colouring, for which the Fabian narrative of the commencement of the second war with Carthage is censured by Polybius with the calm severity characteristic of him. Mistrust, however, is more appropriate in such circumstances than reproach. It is somewhat ridiculous to expect from the Roman contemporaries of Hannibal a just judgment on their opponents; but no conscious misrepresentation of the facts, except such as a simple-minded patriotism of itself involves, has been proved against the fathers of Roman history.

Science.

The beginnings of scientific culture, and even of authorship relating to it, also fall within this epoch. The instruction hitherto given had been substantially confined to reading and writing and a knowledge of the law of the land.[1] But a closer contact with the Greeks gradually suggested to the Romans the idea of a more general culture; and stimulated the endeavour, if not directly to transplant this Greek culture to Rome, at any rate to modify the Roman culture to some extent after its model.

Grammar.

First of all, the knowledge of the mother-tongue began to shape itself into Latin grammar; Greek philology transferred its methods to the kindred idiom of Italy. The active study of grammar began nearly at the same time with Roman authorship. About 520 Spurius Carvilius, a teacher of writing, appears to have regulated the Latin alphabet, and to have given to the letter *g*, which was not previously included in it (ii. 114), the place of the *s* which could be dispensed with—the place which it still holds in the modern Occidental alphabets. The Roman school- 234.

[1] Plautus (*Mostell.* 126) says of parents, that they teach their children *litteras, iura, leges;* and Plutarch (*Cato Mai.* 20) testifies to the same effect.

masters must have been constantly working at the settlement of orthography; the Latin Muses too never disowned their scholastic Hippocrene, and at all times applied themselves to orthography side by side with poetry. Ennius especially —resembling Klopstock in this respect also—not only practised an etymological play on assonance quite after the Alexandrian style,[1] but also introduced, in place of the simple signs for the double consonants that had hitherto been usual, the more accurate Greek double writing. Of Naevius and Plautus, it is true, nothing of the kind is known; the popular poets in Rome must have treated orthography and etymology with the indifference which is usual with poets.

Rhetoric and philosophy.

The Romans of this epoch still remained strangers to rhetoric and philosophy. The speech in their case lay too decidedly at the very heart of public life to be accessible to the handling of the foreign schoolmaster; the genuine orator Cato poured forth all the vials of his indignant ridicule over the silly Isocratean fashion of ever learning, and yet never being able, to speak. The Greek philosophy, although it acquired a certain influence over the Romans through the medium of didactic and especially of tragic poetry, was nevertheless viewed with an apprehension compounded of boorish ignorance and of instinctive misgiving. Cato bluntly called Socrates a talker and a revolutionist, who was justly put to death as an offender against the faith and the laws of his country; and the opinion, which even Romans addicted to philosophy entertained regarding it, may well be expressed in the words of Ennius:

Philosophari est mihi necesse, at paucis, nam omnino haut placet.
Degustandum ex eâ, non in eam ingurgitandum censeo.

Nevertheless the poem on Morals and the instructions in

[1] Thus in his Epicharmian poems Jupiter is so called, *quod iuvat;* and Ceres, *quod gerit fruges.*

Oratory, which were found among the writings of Cato, may be regarded as the Roman quintessence or, if the expression be preferred, the Roman *caput mortuum* of Greek philosophy and rhetoric. The immediate sources whence Cato drew were, in the case of the poem on Morals, presumably the Pythagorean writings on morals (along with, as a matter of course, due commendation of the simple ancestral habits), and, in the case of the book on Oratory, the speeches in Thucydides and more especially the orations of Demosthenes, all of which Cato zealously studied. Of the spirit of these manuals we may form some idea from the golden oratorical rule, oftener quoted than followed by posterity, "to think of the matter and leave the words to follow from it."[1]

Similar manuals of a general elementary character were composed by Cato on the Art of Healing, the Science of War, Agriculture, and Jurisprudence—all of which studies were likewise more or less under Greek influence. Physics and mathematics were not much studied in Rome; but the applied sciences connected with them received a certain measure of attention. This was most of all true of medicine. In 535 the first Greek physician, the Peloponnesian Archagathus, settled in Rome and there acquired such repute by his surgical operations, that a residence was assigned to him on the part of the state and he received the freedom of the city; and thereafter his colleagues flocked in crowds to Italy. Cato no doubt not only reviled the foreign medical practitioners with a zeal worthy of a better cause, but attempted, by means of his medical manual compiled from his own experience and probably in part also from the medical literature of the Greeks, to revive the good old fashion under which the father of the family was at the same time the family physician. The physicians and the public gave themselves, as was reasonable, but little concern

Medicine. 219.

[1] *Rem tene, verba sequentur.*

about his obstinate invectives: at any rate the profession, one of the most lucrative which existed in Rome, continued a monopoly in the hands of the foreigners, and for centuries there were none but Greek physicians in Rome.

Mathematics.

Hitherto the measurement of time had been treated in Rome with barbarous indifference, but matters were now at least in some degree improved. With the erection of
263. the first sundial in the Roman Forum in 491 the Greek hour (ὥρα, *hora*) began to come into use at Rome: it happened, however, that the Romans erected a sundial which had been prepared for Catana situated four degrees farther to the south, and were guided by this for a whole century. Towards the end of this epoch we find several persons of quality taking an interest in mathematical studies.
191. Manius Acilius Glabrio (consul in 563) attempted to check the confusion of the calendar by a law, which allowed the pontifical college to insert or omit intercalary months at discretion: if the measure failed in its object and in fact aggravated the evil, the failure was probably owing more to the unscrupulousness than to the want of intelligence of the Roman theologians. Marcus Fulvius Nobilior
189. (consul in 565), a man of Greek culture, endeavoured at least to make the Roman calendar more generally known.
166. Gaius Sulpicius Gallus (consul in 588), who not only
168. predicted the eclipse of the moon in 586 but also calculated the distance of the moon from the earth, and who appears to have come forward even as an astronomical writer, was regarded on this account by his contemporaries as a prodigy of diligence and acuteness.

Agriculture and the art of war.

Agriculture and the art of war were, of course, primarily regulated by the standard of traditional and personal experience, as is very distinctly apparent in that one of the two treatises of Cato on Agriculture which has reached our time. But the results of Graeco-Latin, and even of Phoenician, culture were brought to bear on these subor-

dinate fields just as on the higher provinces of intellectual activity, and for that reason the foreign literature relating to them cannot but have attracted some measure of attention.

Jurisprudence, on the other hand, was only in a subordinate degree affected by foreign elements. The activity of the jurists of this period was still mainly devoted to the answering of parties consulting them and to the instruction of younger listeners; but this oral instruction contributed to form a traditional groundwork of rules, and literary activity was not wholly wanting. A work of greater importance for jurisprudence than the short sketch of Cato was the treatise published by Sextus Aelius Paetus, surnamed the "subtle" (*catus*), who was the first practical jurist of his time, and, in consequence of his exertions for the public benefit in this respect, rose to the consulship (556) and to the censorship (560). His treatise—the "*Tripartita*" as it was called—was a work on the Twelve Tables, which appended to each sentence of the text an explanation—chiefly, doubtless, of the antiquated and unintelligible expressions—and the corresponding formula of action. While this process of glossing undeniably indicated the influence of Greek grammatical studies, the portion treating of the formulae of action, on the contrary, was based on the older collection of Appius (ii. 113) and on the whole system of procedure developed by national usage and precedent.

Jurisprudence.

Aelius Paetus.

198.

194.

The state of science generally at this epoch is very distinctly exhibited in the collection of those manuals composed by Cato for his son which, as a sort of encyclopaedia, were designed to set forth in short maxims what a "fit man" (*vir bonus*) ought to be as orator, physician, husbandman, warrior, and jurist. A distinction was not yet drawn between the propaedeutic and the professional study of science; but so much of science generally as seemed

Cato's encyclopaedia.

necessary or useful was required of every true Roman. The work did not include Latin grammar, which consequently cannot as yet have attained that formal development which is implied in a properly scientific instruction in language; and it excluded music and the whole cycle of the mathematical and physical sciences. Throughout it was the directly practical element in science which alone was to be handled, and that with as much brevity and simplicity as possible. The Greek literature was doubtless made use of, but only to furnish some serviceable maxims of experience culled from the mass of chaff and rubbish: it was one of Cato's commonplaces, that "Greek books must be looked into, but not thoroughly studied." Thus arose those household manuals of necessary information, which, while rejecting Greek subtlety and obscurity, banished also Greek acuteness and depth, but through that very peculiarity moulded the attitude of the Romans towards the Greek sciences for all ages.

Character and historical position of Roman literature.

Thus poetry and literature made their entrance into Rome along with the sovereignty of the world, or, to use the language of a poet of the age of Cicero:

Poenico bello secundo Musa pennato gradu
Intulit se bellicosam Romuli in gentem feram.

In the districts using the Sabellian and Etruscan dialects also there must have been at the same period no want of intellectual movement. Tragedies in the Etruscan language are mentioned, and vases with Oscan inscriptions show that the makers of them were acquainted with Greek comedy. The question accordingly presents itself, whether, contemporarily with Naevius and Cato, a Hellenizing literature like the Roman may not have been in course of formation on the Arnus and Volturnus. But all information on the point is lost, and history can in such circumstances only indicate the blank.

The Roman literature is the only one as to which we

Hellenizing literature.

can still form an opinion; and, however problematical its absolute worth may appear to the aesthetic judge, for those who wish to apprehend the history of Rome it remains of unique value as the mirror of the inner mental life of Italy in that sixth century—full of the din of arms and pregnant for the future—during which its distinctively Italian phase closed, and the land began to enter into the broader career of ancient civilization. In it too there prevailed that antagonism, which everywhere during this epoch pervaded the life of the nation and characterized the age of transition. No one of unprejudiced mind, and who is not misled by the venerable rust of two thousand years, can be deceived as to the defectiveness of the Hellenistico-Roman literature. Roman literature by the side of that of Greece resembles a German orangery by the side of a grove of Sicilian orange-trees; both may give us pleasure, but it is impossible even to conceive them as parallel. This holds true of the literature in the mother-tongue of the Latins still more decidedly, if possible, than of the Roman literature in a foreign tongue; to a very great extent the former was not the work of Romans at all, but of foreigners, of half-Greeks, Celts, and ere long even Africans, whose knowledge of Latin was only acquired by study. Among those who in this age came before the public as poets, none, as we have already said, can be shown to have been persons of rank; and not only so, but none can be shown to have been natives of Latium proper. The very name given to the poet was foreign; even Ennius emphatically calls himself a *poeta*.[1] But not only was this poetry foreign; it was also liable to all those defects which are found to occur where

[1] See the lines already quoted at p. 177.

The formation of the name *poeta* from the vulgar Greek *ποητής* instead of *ποιητής*—as *ἐπόησεν* was in use among the Attic potters—is characteristic. We may add that *poeta* technically denotes only the author of epic or recitative poems, not the composer for the stage, who at this time was styled *scriba* (p. 139; Festus, *s. v.*, p. 333 *M.*).

schoolmasters become authors and the great multitude forms the public. We have shown how comedy was artistically debased by a regard to the multitude, and in fact sank into vulgar coarseness; we have further shown that two of the most influential Roman authors were schoolmasters in the first instance and only became poets in the sequel, and that, while the Greek philology which only sprang up after the decline of the national literature experimented merely on the dead body, in Latium grammar and literature had their foundations laid simultaneously and went hand in hand, almost as in the case of modern missions to the heathen. In fact, if we view with an unprejudiced eye this Hellenistic literature of the sixth century—that poetry followed out professionally and destitute of all productiveness of its own, that uniform imitation of the very shallowest forms of foreign art, that *répertoire* of translations, that changeling of epos—we are tempted to reckon it simply one of the diseased symptoms of the epoch before us.

But such a judgment, if not unjust, would yet be just only in a very partial sense. We must first of all consider that this artificial literature sprang up in a nation which not only did not possess any national poetic art, but could never attain any such art. In antiquity, which knew nothing of the modern poetry of individual life, creative poetical activity fell mainly within the mysterious period when a nation was experiencing the fears and pleasures of growth: without prejudice to the greatness of the Greek epic and tragic poets we may assert that their poetry mainly consisted in reproducing the primitive stories of human gods and divine men. This basis of ancient poetry was totally wanting in Latium: where the world of gods remained shapeless and legend remained barren, the golden apples of poetry could not voluntarily ripen. To this falls to be added a second and more important consideration.

The inward mental development and the outward political evolution of Italy had equally reached a point at which it was no longer possible to retain the Roman nationality based on the exclusion of all higher and individual mental culture, and to repel the encroachments of Hellenism. The propagation of Hellenism in Italy had certainly a revolutionary and a denationalizing tendency, but it was indispensable for the necessary intellectual equalization of the nations; and this primarily forms the historical and even the poetical justification of the Romano-Hellenistic literature. Not a single new and genuine work of art issued from its workshop, but it extended the intellectual horizon of Hellas over Italy. Viewed even in its mere outward aspect, Greek poetry presumes in the hearer a certain amount of positive acquired knowledge. That self-contained completeness, which is one of the most essential peculiarities of the dramas of Shakespeare for instance, was foreign to ancient poetry; a person unacquainted with the cycle of Greek legend would fail to discover the background and often even the ordinary meaning of every rhapsody and every tragedy. If the Roman public of this period was in some degree familiar, as the comedies of Plautus show, with the Homeric poems and the legends of Herakles, and was acquainted with at least the more generally current of the other myths,[1] this knowledge must have found its way to the public primarily through the stage alongside of the school, and thus have formed at least a first step towards the understanding of the Hellenic poetry. But still deeper was the effect—on which the most ingenious literary critics of antiquity justly laid emphasis—produced by the natural-

[1] Even subordinate figures from the legends of Troy and of Herakles make their appearance, *e.g.* Talthybius (*Stich.* 305), Autolycus (*Bacch.* 275), Parthaon (*Men.* 745). Moreover the most general outlines must have been known in the case of the Theban and the Argonautic legends, and of the stories of Bellerophon (*Bacch.* 810), Pentheus (*Merc.* 467), Procne and Philomela (*Rud.* 604), Sappho and Phaon (*Mil.* 1247).

ization of the Greek poetic language and the Greek metres in Latium. If "conquered Greece vanquished her rude conqueror by art," the victory was primarily accomplished by elaborating from the unpliant Latin idiom a cultivated and elevated poetical language, so that instead of the monotonous and hackneyed Saturnian the senarius flowed and the hexameter rushed, and the mighty tetrameters, the jubilant anapaests, and the artfully intermingled lyrical rhythms fell on the Latin ear in the mother-tongue. Poetical language is the key to the ideal world of poetry, poetic measure the key to poetical feeling; for the man, to whom the eloquent epithet is dumb and the living image is dead, and in whom the times of dactyls and iambuses awaken no inward echo, Homer and Sophocles have composed in vain. Let it not be said that poetical and rhythmical feeling comes spontaneously. The ideal feelings are no doubt implanted by nature in the human breast, but they need favourable sunshine in order to germinate; and especially in the Latin nation, which was but little susceptible of poetic impulses, they needed external nurture. Nor let it be said, that, by virtue of the widely diffused acquaintance with the Greek language, its literature would have sufficed for the susceptible Roman public. The mysterious charm which language exercises over man, and which poetical language and rhythm only enhance, attaches not to any tongue learned accidentally, but only to the mother-tongue. From this point of view, we shall form a juster judgment of the Hellenistic literature, and particularly of the poetry, of the Romans of this period. If it tended to transplant the radicalism of Euripides to Rome, to resolve the gods either into deceased men or into mental conceptions, to place a denationalized Latium by the side of a denationalized Hellas, and to reduce all purely and distinctly developed national peculiarities to the problematic notion of general civilization, every one is at liberty to find this

tendency pleasing or disagreeable, but none can doubt its historical necessity. From this point of view the very defectiveness of the Roman poetry, which cannot be denied, may be explained and so may in some degree be justified. It is no doubt pervaded by a disproportion between the trivial and often bungled contents and the comparatively finished form; but the real significance of this poetry lay precisely in its formal features, especially those of language and metre. It was not seemly that poetry in Rome was principally in the hands of schoolmasters and foreigners and was chiefly translation or imitation; but, if the primary object of poetry was simply to form a bridge from Latium to Hellas, Livius and Ennius had certainly a vocation to the poetical pontificate in Rome, and a translated literature was the simplest means to the end. It was still less seemly that Roman poetry preferred to lay its hands on the most worn-out and trivial originals; but in this view it was appropriate. No one will desire to place the poetry of Euripides on a level with that of Homer; but, historically viewed, Euripides and Menander were quite as much the oracles of cosmopolitan Hellenism as the Iliad and Odyssey were the oracles of national Hellenism, and in so far the representatives of the new school had good reason for introducing their audience especially to this cycle of literature. The instinctive consciousness also of their limited poetical powers may partly have induced the Roman composers to keep mainly by Euripides and Menander and to leave Sophocles and even Aristophanes untouched; for, while poetry is essentially national and difficult to transplant, intellect and wit, on which the poetry of Euripides as well as of Menander is based, are in their very nature cosmopolitan. Moreover the fact always deserves to be honourably acknowledged, that the Roman poets of the sixth century did not attach themselves to the Hellenic literature of the day or what is called Alexandrinism, but

sought their models solely in the older classical literature, although not exactly in its richest or purest fields. On the whole, however innumerable may be the false accommodations and sins against the rules of art which we can point out in them, these were just the offences which were by stringent necessity attendant on the far from scrupulous efforts of the missionaries of Hellenism; and they are, in a historical and even aesthetic point of view, outweighed in some measure by the zeal of faith equally inseparable from propagandism. We may form a different opinion from Ennius as to the value of his new gospel; but, if in the case of faith it does not matter so much what, as how, men believe, we cannot refuse recognition and admiration to the Roman poets of the sixth century. A fresh and strong sense of the power of the Hellenic world-literature, a sacred longing to transplant the marvellous tree to the foreign land, pervaded the whole poetry of the sixth century, and coincided in a peculiar manner with the thoroughly elevated spirit of that great age. The later refined Hellenism looked down on the poetical performances of this period with some degree of contempt; it should rather perhaps have looked up to the poets, who with all their imperfection yet stood in a more intimate relation to Greek poetry, and approached nearer to genuine poetical art, than their more cultivated successors. In the bold emulation, in the sounding rhythms, even in the mighty professional pride of the poets of this age there is, more than in any other epoch of Roman literature, an imposing grandeur; and even those who are under no illusion as to the weak points of this poetry may apply to it the proud language, already quoted, in which Ennius celebrates its praise:

Enni poeta, salve, qui mortalibus
Versus propinas flammeos medullitus.

National opposition.

As the Hellenico-Roman literature of this period was essentially marked by a dominant tendency, so was also its

antithesis, the contemporary national authorship. While the former aimed at neither more nor less than the annihilation of Latin nationality by the creation of a poetry Latin in language but Hellenic in form and spirit, the best and purest part of the Latin nation was driven to reject and place under the ban of outlawry the literature of Hellenism along with Hellenism itself. The Romans in the time of Cato stood opposed to Greek literature, very much as in the time of the Caesars they stood opposed to Christianity; freedmen and foreigners formed the main body of the poetical, as they afterwards formed the main body of the Christian, community; the nobility of the nation and above all the government saw in poetry as in Christianity an absolutely hostile power; Plautus and Ennius were ranked with the rabble by the Roman aristocracy for reasons nearly the same as those for which the apostles and bishops were put to death by the Roman government. In this field too it was Cato, of course, who took the lead as the vigorous champion of his native country against the foreigners. The Greek literati and physicians were in his view the most dangerous scum of the radically corrupt Greek people,[1] and the Roman "ballad-singers" are treated by him with ineffable contempt (ii. 98). He and those who shared his sentiments have been often and

[1] "As to these Greeks," he says to his son Marcus, "I shall tell at the proper place, what I came to learn regarding them at Athens; and shall show that it is useful to look into their writings, but not to study them thoroughly. They are an utterly corrupt and ungovernable race—believe me, this is true as an oracle; if that people bring hither its culture, it will ruin everything, and most especially if it send hither its physicians. They have conspired to despatch all barbarians by their physicking, but they get themselves paid for it, that people may trust them and that they may the more easily bring us to ruin. They call us also barbarians, and indeed revile us by the still more vulgar name of Opicans. I interdict thee, therefore, from all dealings with the practitioners of the healing art."

Cato in his zeal was not aware that the name of Opicans, which had in Latin an obnoxious meaning, was in Greek quite unobjectionable, and that the Greeks had in the most innocent way come to designate the Italians by that term (i. 168).

harshly censured on this account, and certainly the expressions of his displeasure are not unfrequently characterized by the bluntness and narrowness peculiar to him; on a closer consideration, however, we must not only confess him to have been in individual instances substantially right, but we must also acknowledge that the national opposition in this field, more than anywhere else, went beyond the manifestly inadequate line of mere negative defence. When his younger contemporary, Aulus Postumius Albinus, who was an object of ridicule to the Hellenes themselves by his offensive Hellenizing, and who, for example, even manufactured Greek verses—when this Albinus in the preface to his historical treatise pleaded in excuse for his defective Greek that he was by birth a Roman—was not the question quite in place, whether he had been doomed by authority of law to meddle with matters which he did not understand? Were the trades of the professional translator of comedies and of the poet celebrating heroes for bread and protection more honourable, perhaps, two thousand years ago than they are now? Had Cato not reason to make it a reproach against Nobilior, that he took Ennius—who, we may add, glorified in his verses the Roman potentates without respect of persons, and overloaded Cato himself with praise—along with him to Ambracia as the celebrator of his future achievements? Had he not reason to revile the Greeks, with whom he had become acquainted in Rome and Athens, as an incorrigibly wretched pack? This opposition to the culture of the age and the Hellenism of the day was well warranted; but Cato was by no means chargeable with an opposition to culture and to Hellenism in general. On the contrary it is the highest merit of the national party, that they comprehended very clearly the necessity of creating a Latin literature and of bringing the stimulating influences of Hellenism to bear on it; only their intention

was, that Latin literature should not be a mere copy taken from the Greek and intruded on the national feelings of Rome, but should, while fertilized by Greek influences, be developed in accordance with Italian nationality. With a genial instinct, which attests not so much the sagacity of individuals as the elevation of the epoch, they perceived that in the case of Rome, owing to the total want of earlier poetical productiveness, history furnished the only subject-matter for the development of an intellectual life of their own. Rome was, what Greece was not, a state; and the mighty consciousness of this truth lay at the root both of the bold attempt which Naevius made to attain by means of history a Roman epos and a Roman drama, and of the creation of Latin prose by Cato. It is true that the endeavour to replace the gods and heroes of legend by the kings and consuls of Rome resembles the attempt of the giants to storm heaven by means of mountains piled one above another: without a world of gods there is no ancient epos and no ancient drama, and poetry knows no substitutes. With greater moderation and good sense Cato left poetry proper, as a thing irremediably lost, to the party opposed to him; although his attempt to create a didactic poetry in national measure after the model of the earlier Roman productions—the Appian poem on Morals and the poem on Agriculture—remains significant and deserving of respect, in point if not of success, at least of intention. Prose afforded him a more favourable field, and accordingly he applied the whole varied power and energy peculiar to him to the creation of a prose literature in his native tongue. This effort was all the more Roman and all the more deserving of respect, that the public which he primarily addressed was the family circle, and that in such an effort he stood almost alone in his time. Thus arose his "Origines," his remarkable state-speeches, his treatises on special branches of science. They are certainly pervaded

by a national spirit, and turn on national subjects; but they are far from anti-Hellenic: in fact they originated essentially under Greek influence, although in a different sense from that in which the writings of the opposite party so originated. The idea and even the title of his chief work were borrowed from the Greek "foundation-histories" (κτίσεις). The same is true of his oratorical authorship; he ridiculed Isocrates, but he tried to learn from Thucydides and Demosthenes. His encyclopaedia is essentially the result of his study of Greek literature. Of all the undertakings of that active and patriotic man none was more fruitful of results and none more useful to his country than this literary activity, little esteemed in comparison as it probably was by himself. He found numerous and worthy successors in oratorical and scientific authorship; and though his original historical treatise, which of its kind may be compared with the Greek logography, was not followed by any Herodotus or Thucydides, yet by and through him the principle was established that literary occupation in connection with the useful sciences as well as with history was not merely becoming but honourable in a Roman.

Architecture.

Let us glance, in conclusion, at the state of the arts of architecture, sculpture, and painting. So far as concerns the former, the traces of incipient luxury were less observable in public than in private buildings. It was not till towards the close of this period, and especially from the
184. time of the censorship of Cato (570), that the Romans began in the case of the former to have respect to the convenience as well as to the bare wants of the public; to line with stone the basins (*lacus*) supplied from the
184. 179. aqueducts (570); to erect colonnades (575, 580); and
174. above all to transfer to Rome the Attic halls for courts and business—the *basilicae* as they were called. The first of these buildings, somewhat corresponding to our modern

bazaars—the Porcian or silversmiths' hall—was erected by Cato in 570 alongside of the senate-house; others were 184.
soon associated with it, till gradually along the sides of the Forum the private shops were replaced by these splendid columnar halls. Every-day life, however, was more deeply influenced by the revolution in domestic architecture which must, at latest, be placed in this period. The hall of the house (*atrium*), court (*cavum aedium*), garden and garden colonnade (*peristylium*), the record-chamber (*tablinum*), chapel, kitchen, and bedrooms were by degrees severally provided for; and, as to the internal fittings, the column began to be applied both in the court and in the hall for the support of the open roof and also for the garden colonnades: throughout these arrangements it is probable that Greek models were copied or at any rate made use of. Yet the materials used in building remained simple; "our ancestors," says Varro, "dwelt in houses of brick, and laid merely a moderate foundation of stone to keep away damp."

Plastic art and painting.

Of Roman plastic art we scarcely encounter any other trace than, perhaps, the embossing in wax of the images of ancestors. Painters and painting are mentioned somewhat more frequently. Manius Valerius caused the victory which he obtained over the Carthaginians and Hiero in 491 263.
off Messana (ii. 170) to be depicted on the side wall of the senate-house—the first historical frescoes in Rome, which were followed by many of similar character, and which were in the domain of the arts of design what the national epos and the national drama became not much later in the domain of poetry. We find named as painters, one Theodotus who, as Naevius scoffingly said,

Sedens in cella circumtectus tegetibus
Lares ludentis peni pinxit bubulo;

Marcus Pacuvius of Brundisium, who painted in the temple of Hercules in the Forum Boarium—the same who, when

more advanced in life, made himself a name as an editor of Greek tragedies; and Marcus Plautius Lyco, a native of Asia Minor, whose beautiful paintings in the temple of Juno at Ardea procured for him the freedom of that city.[1] But these very facts clearly indicate, not only that the exercise of art in Rome was altogether of subordinate importance and more of a manual occupation than an art, but also that it fell, probably still more exclusively than poetry, into the hands of Greeks and half Greeks.

On the other hand there appeared in genteel circles the first traces of the tastes subsequently displayed by the dilettante and the collector. They admired the magnificence of the Corinthian and Athenian temples, and regarded with contempt the old-fashioned terra-cotta figures on the roofs of those of Rome: even a man like Lucius Paullus, who shared the feelings of Cato rather than of Scipio, viewed and judged the Zeus of Phidias with the eye of a connoisseur. The custom of carrying off the treasures of art from the conquered Greek cities was first introduced on a large scale by Marcus Marcellus after the
212. capture of Syracuse (542). The practice met with severe reprobation from men of the old school of training, and the stern veteran Quintus Fabius Maximus, for instance, on the
209. capture of Tarentum (545) gave orders that the statues in the temples should not be touched, but that the Tarentines should be allowed to retain their indignant gods. Yet the plundering of temples in this way became of more and more frequent occurrence. Titus Flamininus in particular
194. 187. (560) and Marcus Fulvius Nobilior (567), two leading champions of Roman Hellenism, as well as Lucius Paullus
167. (587), were the means of filling the public buildings of

[1] Plautius belongs to this or to the beginning of the following period, for the inscription on his pictures (Plin. *H. N.* xxxv. 10, 115), being hexametrical, cannot well be older than Ennius, and the bestowal of the citizenship of Ardea must have taken place before the Social War, through which Ardea lost its independence.

Rome with the masterpieces of the Greek chisel. Here too the Romans had a dawning consciousness of the truth that an interest in art as well as an interest in poetry formed an essential part of Hellenic culture or, in other words, of modern civilization; but, while the appropriation of Greek poetry was impossible without some sort of poetical activity, in the case of art the mere beholding and procuring of its productions seemed to suffice, and therefore, while a native literature was formed in an artificial way in Rome, no attempt even was made to develop a native art.

BOOK FOURTH

THE REVOLUTION

"Aber sie treiben's toll;
Ich fürcht', es breche."
Nicht jeden Wochenschluss
Macht Gott die Zeche.

GOETHE.

CHAPTER I

THE SUBJECT COUNTRIES DOWN TO THE TIMES OF THE GRACCHI

The subjects.

WITH the abolition of the Macedonian monarchy the supremacy of Rome not only became an established fact from the Pillars of Hercules to the mouths of the Nile and the Orontes, but, as if it were the final decree of fate, it weighed on the nations with all the pressure of an inevitable necessity, and seemed to leave them merely the choice of perishing in hopeless resistance or in hopeless endurance. If history were not entitled to insist that the earnest reader should accompany her through good and evil days, through landscapes of winter as well as of spring, the historian might be tempted to shun the cheerless task of tracing the manifold and yet monotonous turns of this struggle between superior power and utter weakness, both in the Spanish provinces already annexed to the Roman empire and in the African, Hellenic, and Asiatic territories which were still treated as clients of Rome. But, however unimportant and subordinate the individual conflicts may appear, they have collectively a deep historical significance; and, in particular, the state of things in Italy at this period only becomes intelligible in the light of the reaction which the provinces exercised over the mother-country.

Spain.

Except in the territories which may be regarded as

natural appendages of Italy—in which, however, the natives were still far from being completely subdued, and, not greatly to the credit of Rome, Ligurians, Sardinians, and Corsicans were continually furnishing occasion for "village triumphs"—the formal sovereignty of Rome at the commencement of this period was established only in the two Spanish provinces, which embraced the larger eastern and southern portions of the peninsula beyond the Pyrenees. We have already (ii. 384 *ff.*) attempted to describe the state of matters in the peninsula. Iberians and Celts, Phoenicians, Hellenes, and Romans were there confusedly intermingled. The most diverse kinds and stages of civilization subsisted there simultaneously and at various points crossed each other, the ancient Iberian culture side by side with utter barbarism, the civilized relations of Phoenician and Greek mercantile cities side by side with an incipient process of Latinizing, which was especially promoted by the numerous Italians employed in the silver mines and by the large standing garrison. In this respect the Roman township of Italica (near Seville) and the Latin colony of Carteia (on the bay of Gibraltar) deserve mention —the latter being the first transmarine urban community of Latin tongue and Italian constitution. Italica was
206. founded by the elder Scipio, before he left Spain (548), for his veterans who were inclined to remain in the peninsula—probably, however, not as a burgess-community, but
171. merely as a market-place.[1] Carteia was founded in 583 and owed its existence to the multitude of camp-children—the offspring of Roman soldiers and Spanish slaves—who grew up as slaves *de jure* but as free Italians *de facto*, and

[1] Italica must have been intended by Scipio to be what was called in Italy *forum et conciliabulum civium Romanorum;* Aquae Sextiae in Gaul had a similar origin afterwards. The formation of transmarine burgess-communities only began at a later date with Carthage and Narbo: yet it is remarkable that Scipio already made a first step, in a certain sense, in that direction.

were now manumitted on behalf of the state and constituted, along with the old inhabitants of Carteia, into a Latin colony. For nearly thirty years after the organizing of the province of the Ebro by Tiberius Sempronius Gracchus (575, 576; ii. 391) the Spanish provinces, on the whole, 179. 178.
enjoyed the blessings of peace undisturbed, although mention is made of one or two expeditions against the Celtiberians and Lusitanians.

But more serious events occurred in 600. The Lusi- Lusi- [154.
tanians, under the leadership of a chief called Punicus, tanian war.
invaded the Roman territory, defeated the two Roman governors who had united to oppose them, and slew a great number of their troops. The Vettones (between the Tagus and the Upper Douro) were thereby induced to make common cause with the Lusitanians; and these, thus reinforced, were enabled to extend their excursions as far as the Mediterranean, and to pillage even the territory of the Bastulo-Phoenicians not far from the Roman capital New Carthage (Cartagena). The Romans at home took the matter seriously enough to resolve on sending a consul to Spain, a step which had not been taken since 559; and, in 195.
order to accelerate the despatch of aid, they even made the new consuls enter on office two months and a half before the legal time. For this reason the day for the consuls entering on office was shifted from the 15th of March to the 1st of January; and thus was established the beginning of the year, which we still make use of at the present day. But, before the consul Quintus Fulvius Nobilior with his army arrived, a very serious encounter took place on the right bank of the Tagus between the praetor Lucius Mummius, governor of Further Spain, and the Lusitanians, now led after the fall of Punicus by his successor Caesarus (601). Fortune was at first favourable to the Romans; 153.
the Lusitanian army was broken and their camp was taken. But the Romans, partly already fatigued by their march

and partly broken up in the disorder of the pursuit, were at length completely beaten by their already vanquished antagonists, and lost their own camp in addition to that of the enemy, as well as 9000 dead.

Celtiberian war.

The flame of war now blazed up far and wide. The Lusitanians on the left bank of the Tagus, led by Caucaenus, threw themselves on the Celtici subject to the Romans (in Alentejo), and took away their town Conistorgis. The Lusitanians sent the standards taken from Mummius to the Celtiberians at once as an announcement of victory and as a warning; and among these, too, there was no want of ferment. Two small Celtiberian tribes in the neighbourhood of the powerful Arevacae (about the sources of the Douro and Tagus), the Belli and the Titthi, had resolved to settle together in Segeda, one of their towns. While they were occupied in building the walls, the Romans ordered them to desist, because the Sempronian regulations prohibited the subject communities from founding towns at their own discretion; and they at the same time required the contribution of money and men which was due by treaty but for a considerable period had not been demanded. The Spaniards refused to obey either command, alleging that they were engaged merely in enlarging, not in founding, a city, and that the contribution had not been merely suspended, but remitted by the Romans. Thereupon Nobilior appeared in Hither Spain with an army of nearly 30,000 men, including some Numidian horsemen and ten elephants. The walls of the new town of Segeda still stood unfinished: most of the inhabitants submitted. But the most resolute men fled with their wives and children to the powerful Arevacae, and summoned these to make common cause with them against the Romans. The Arevacae, emboldened by the victory of the Lusitanians over Mummius, consented, and chose Carus, one of the Segedan refugees, as their general.

On the third day after his election the valiant leader had fallen, but the Roman army was defeated and nearly 6000 Roman burgesses were slain; the 23rd day of August, the festival of the Volcanalia, was thenceforth held in sad remembrance by the Romans. The fall of their general, however, induced the Arevacae to retreat into their strongest town Numantia (Guarray, a Spanish league to the north of Soria on the Douro), whither Nobilior followed them. Under the walls of the town a second engagement took place, in which the Romans at first by means of their elephants drove the Spaniards back into the town; but while doing so they were thrown into confusion in consequence of one of the animals being wounded, and sustained a second defeat at the hands of the enemy again issuing from the walls. This and other misfortunes—such as the destruction of a corps of Roman cavalry despatched to call forth the contingents—imparted to the affairs of the Romans in the Hither province so unfavourable an aspect that the fortress of Ocilis, where the Romans had their chest and their stores, passed over to the enemy, and the Arevacae were in a position to think, although without success, of dictating peace to the Romans. These disadvantages, however, were in some measure counterbalanced by the successes which Mummius achieved in the southern province. Weakened though his army was by the disaster which it had suffered, he yet succeeded with it in defeating the Lusitanians who had imprudently dispersed themselves on the right bank of the Tagus; and passing over to the left bank, where the Lusitanians had overrun the whole Roman territory, and had even made a foray into Africa, he cleared the southern province of the enemy.

152. Marcellus.

To the northern province in the following year (602) the senate sent considerable reinforcements and a new commander-in-chief in the place of the incapable Nobilior, the consul Marcus Claudius Marcellus, who had already,

168. when praetor in 586, distinguished himself in Spain, and had since that time given proof of his talents as a general in two consulships. His skilful leadership, and still more his clemency, speedily changed the position of affairs: Ocilis at once surrendered to him; and even the Arevacae, confirmed by Marcellus in the hope that peace would be granted to them on payment of a moderate fine, concluded an armistice and sent envoys to Rome. Marcellus could thus proceed to the southern province, where the Vettones and Lusitanians had professed submission to the praetor Marcus Atilius so long as he remained within their bounds, but after his departure had immediately revolted afresh and chastised the allies of Rome. The arrival of the consul restored tranquillity, and, while he spent the winter in Corduba, hostilities were suspended throughout the peninsula. Meanwhile the question of peace with the Arevacae was discussed at Rome. It is a significant indication of the relations subsisting among the Spaniards themselves, that the emissaries of the Roman party subsisting among the Arevacae were the chief occasion of the rejection of the proposals of peace at Rome, by representing that, if the Romans were not willing to sacrifice the Spaniards friendly to their interests, they had no alternative save either to send a consul with a corresponding army every year to the peninsula or to make an emphatic example now. In consequence of this, the ambassadors of the Arevacae were dismissed without a decisive answer, and it was resolved that the war should be prosecuted with vigour. Marcellus accordingly found himself compelled in the following spring
151. (603) to resume the war against the Arevacae. But—either, as was asserted, from his unwillingness to leave to his successor, who was to be expected soon, the glory of terminating the war, or, as is perhaps more probable, from his believing like Gracchus that a humane treatment of the Spaniards was the first thing requisite for a lasting peace—

the Roman general after holding a secret conference with the most influential men of the Arevacae concluded a treaty under the walls of Numantia, by which the Arevacae surrendered to the Romans at discretion, but were reinstated in their former rights according to treaty on their undertaking to pay money and furnish hostages.

When the new commander-in-chief, the consul Lucius Lucullus, arrived at head-quarters, he found the war which he had come to conduct already terminated by a formally concluded peace, and his hopes of bringing home honour and more especially money from Spain were apparently frustrated. But there was a means of surmounting this difficulty. Lucullus of his own accord attacked the western neighbours of the Arevacae, the Vaccaei, a Celtiberian nation still independent which was living on the best understanding with the Romans. The question of the Spaniards as to what fault they had committed was answered by a sudden attack on the town of Cauca (Coca, eight Spanish leagues to the west of Segovia); and, while the terrified town believed that it had purchased a capitulation by heavy sacrifices of money, Roman troops marched in and enslaved or slaughtered the inhabitants without any pretext at all. After this heroic feat, which is said to have cost the lives of some 20,000 defenceless men, the army proceeded on its march. Far and wide the villages and townships were abandoned or, as in the case of the strong Intercatia and Pallantia (Palencia) the capital of the Vaccaei, closed their gates against the Roman army. Covetousness was caught in its own net; there was no community that would venture to conclude a capitulation with the perfidious commander, and the general flight of the inhabitants not only rendered booty scarce, but made it almost impossible for him to remain for any length of time in these inhospitable regions. In front of Intercatia, Scipio Aemilianus, an esteemed military tribune, the son of

Lucullus.

the victor of Pydna and the adopted grandson of the victor of Zama, succeeded, by pledging his word of honour when that of the general no longer availed, in inducing the inhabitants to conclude an agreement by virtue of which the Roman army departed on receiving a supply of cattle and clothing. But the siege of Pallantia had to be raised for want of provisions, and the Roman army in its retreat was pursued by the Vaccaei as far as the Douro. Lucullus thereupon proceeded to the southern province, where in the same year the praetor, Servius Sulpicius Galba, had allowed himself to be defeated by the Lusitanians. They spent the winter not far from each other—Lucullus in the territory of the Turdetani, Galba at Conistorgis—and in the
150. following year (604) jointly attacked the Lusitanians. Lucullus gained some advantages over them near the straits of Gades. Galba performed a greater achievement, for he concluded a treaty with three Lusitanian tribes on the right bank of the Tagus and promised to transfer them to better settlements; whereupon the barbarians, who to the number of 7000 came to him for the sake of the expected lands, were separated into three divisions, disarmed, and partly carried off into slavery, partly massacred. War has hardly ever been waged with so much perfidy, cruelty, and avarice as by these two generals; who yet by means of their criminally acquired treasures escaped the one from condemnation, and the other even from impeachment. The veteran Cato in his eighty-fifth year, a few months before his death, attempted to bring Galba to account before the burgesses; but the weeping children of the general, and the gold which he had brought home with him, proved to the Roman people his innocence.

Viriathus. It was not so much the inglorious successes which Lucullus and Galba had attained in Spain, as the outbreak
149. of the fourth Macedonian and of the third Carthaginian war in 605, which induced the Romans again to leave

Spanish affairs in the first instance to the ordinary governors. Accordingly the Lusitanians, exasperated rather than humbled by the perfidy of Galba, immediately overran afresh the rich territory of the Turdetani. The Roman governor Gaius Vetilius (607–8 ?[1]) marched against them, 147-6.
and not only defeated them, but drove the whole host towards a hill where it seemed lost irretrievably. The capitulation was virtually concluded, when Viriathus—a man of humble origin, who formerly, when a youth, had bravely defended his flock from wild beasts and robbers and was now in more serious conflicts a dreaded guerilla chief, and who was one of the few that had accidentally escaped from the perfidious onslaught of Galba—warned his countrymen against relying on the Roman word of honour, and promised them deliverance if they would follow him. His language and his example produced a deep effect: the army entrusted him with the supreme command. Viriathus gave orders to the mass of his men to proceed in detached parties, by different routes, to the appointed rendezvous; he himself formed the best mounted and most trustworthy into a corps of 1000 horse, with which he covered the departure of his men. The Romans, who wanted light cavalry, did not venture to disperse for the pursuit under the eyes of the enemy's horsemen. After Viriathus and his band had for two whole days held in check the entire

[1] The chronology of the war with Viriathus is far from being precisely settled. It is certain that the appearance of Viriathus dates from the conflict with Vetilius (Appian, *Hisp.* 61; Liv. lii.; Oros. v. 4), and that he perished in 615 (Diod. *Vat.* p. 110, etc.); the duration of his rule is 139.
reckoned at eight (Appian, *Hisp.* 63), ten (Justin, xliv. 2), eleven (Diodorus, p. 597), fifteen (Liv. liv.; Eutrop. iv. 16; Oros. v. 4; Flor. i. 33), and twenty years (Vellei. ii. 90). The first estimate possesses some probability, because the appearance of Viriathus is connected both in Diodorus (p. 591; *Vat.* p. 107, 108) and in Orosius (v. 4) with the destruction of Corinth. Of the Roman governors, with whom Viriathus fought, several undoubtedly belong to the northern province; for though Viriathus was at work chiefly in the southern, he was not exclusively so (Liv. lii.); consequently we must not calculate the number of the years of his generalship by the number of these names.

Roman army he suddenly disappeared during the night and hastened to the general rendezvous. The Roman general followed him, but fell into an adroitly-laid ambush, in which he lost the half of his army and was himself captured and slain; with difficulty the rest of the troops escaped to the colony of Carteia on the Straits. In all haste 5000 men of the Spanish militia were despatched from the Ebro to reinforce the defeated Romans; but Viriathus destroyed the corps while still on its march, and commanded so absolutely the whole interior of Carpetania that the Romans did not even venture to seek him there. Viriathus, now recognized as lord and king of all the Lusitanians, knew how to combine the full dignity of his princely position with the homely habits of a shepherd. No badge distinguished him from the common soldier: he rose from the richly adorned marriage-table of his father-in-law, the prince Astolpa in Roman Spain, without having touched the golden plate and the sumptuous fare, lifted his bride on horseback, and rode back with her to his mountains. He never took more of the spoil than the share which he allotted to each of his comrades. The soldier recognized the general simply by his tall figure, by his striking sallies of wit, and above all by the fact that he surpassed every one of his men in temperance as well as in toil, sleeping always in full armour and fighting in front of all in battle. It seemed as if in that thoroughly prosaic age one of the Homeric heroes had reappeared: the name of Viriathus resounded far and wide through Spain; and the brave nation conceived that in him it had at length found the man who was destined to break the fetters of alien domination.

His successes.

Extraordinary successes in northern and in southern Spain marked the next years of his generalship. After destroying the vanguard of the praetor Gaius Plautius
146. (608–9), Viriathus had the skill to lure him over to the

right bank of the Tagus, and there to defeat him so emphatically that the Roman general went into winter quarters in the middle of summer—on which account he was afterwards charged before the people with having disgraced the Roman community, and was compelled to live in exile. In like manner the army of the governor—apparently of the Hither province—Claudius Unimanus was destroyed, that of Gaius Negidius was vanquished, and the level country was pillaged far and wide. Trophies of victory, decorated with the insignia of the Roman governors and the arms of the legions, were erected on the Spanish mountains; people at Rome heard with shame and consternation of the victories of the barbarian king. The conduct of the Spanish war was now committed to a trustworthy officer, the consul Quintus Fabius Maximus Aemilianus, the second son of the victor of Pydna (609). 145.
But the Romans no longer ventured to send the experienced veterans, who had just returned from Macedonia and Asia, forth anew to the detested Spanish war; the two legions, which Maximus brought with him, were new levies and scarcely more to be trusted than the old utterly demoralized Spanish army. After the first conflicts had again issued favourably for the Lusitanians, the prudent general kept together his troops for the remainder of the year in the camp at Urso (Osuna, south-east from Seville) without accepting the enemy's offer of battle, and only took the field afresh in the following year (610), after his troops had 144.
by petty warfare become qualified for fighting; he was then enabled to maintain the superiority, and after successful feats of arms went into winter quarters at Corduba. But when the cowardly and incapable praetor Quinctius took the command in room of Maximus, the Romans again suffered defeat after defeat, and their general in the middle of summer shut himself up in Corduba, while the bands of Viriathus overran the southern province (611). 143.

His successor, Quintus Fabius Maximus Servilianus, the adopted brother of Maximus Aemilianus, sent to the peninsula with two fresh legions and ten elephants, endeavoured to penetrate into the Lusitanian country, but after a series of indecisive conflicts and an assault on the Roman camp, which was with difficulty repulsed, found himself compelled to retreat to the Roman territory. Viriathus followed him into the province, but as his troops after the wont of Spanish insurrectionary armies suddenly
142. melted away, he was obliged to return to Lusitania (612).
141. Next year (613) Servilianus resumed the offensive, traversed the districts on the Baetis and Anas, and then advancing into Lusitania occupied a number of townships. A large number of the insurgents fell into his hands; the leaders—of whom there were about 500—were executed; those who had gone over from Roman territory to the enemy had their hands cut off; the remaining mass were sold into slavery. But on this occasion also the Spanish war proved true to its fickle and capricious character. After all these successes the Roman army was attacked by Viriathus while it was besieging Erisane, defeated, and driven to a rock where it was wholly in the power of the enemy. Viriathus, however, was content, like the Samnite general formerly at the Caudine passes, to conclude a peace with Servilianus, in which the community of the Lusitanians was recognized as sovereign and Viriathus acknowledged as its king. The power of the Romans had not risen more than the national sense of honour had sunk; in the capital men were glad to be rid of the irksome war, and the senate and people ratified the treaty. But Quintus Servilius Caepio, the full brother of Servilianus and his successor in office, was far from satisfied with this complaisance; and the senate was weak enough at first to authorize the consul to undertake secret machinations against Viriathus, and then to view at least with indulgence the open breach of his pledged word,

for which there was no palliation. So Caepio invaded Lusitania, and traversed the land as far as the territories of the Vettones and Callaeci; Viriathus declined a conflict with the superior force, and by dexterous movements evaded his antagonist (614). But when in the ensuing year (615) 140. 139. Caepio renewed the attack, and in addition the army, which had in the meantime become available in the northern province, made its appearance under Marcus Popillius in Lusitania, Viriathus sued for peace on any terms. He was required to give up to the Romans all who had passed over to him from the Roman territory, amongst whom was his own father-in-law; he did so, and the Romans ordered them to be executed or to have their hands cut off. But this was not sufficient; the Romans were not in the habit of announcing to the vanquished all at once their destined fate.

His death.

One behest after another was issued to the Lusitanians, each successive demand more intolerable than its predecessors; and at length they were required even to surrender their arms. Then Viriathus recollected the fate of his countrymen whom Galba had caused to be disarmed, and grasped his sword afresh. But it was too late. His wavering had sown the seeds of treachery among those who were immediately around him; three of his confidants, Audas, Ditalco, and Minucius from Urso, despairing of the possibility of renewed victory, procured from the king permission once more to enter into negotiations for peace with Caepio, and employed it for the purpose of selling the life of the Lusitanian hero to the foreigners in return for the assurance of personal amnesty and further rewards. On their return to the camp they assured the king of the favourable issue of their negotiations, and in the following night stabbed him while asleep in his tent. The Lusitanians honoured the illustrious chief by an unparalleled funeral solemnity at which two hundred pairs of champions

fought in the funeral games; and still more highly by the fact, that they did not renounce the struggle, but nominated Tautamus as their commander-in-chief in room of the fallen hero. The plan projected by the latter for wresting Saguntum from the Romans was sufficiently bold; but the new general possessed neither the wise moderation nor the military skill of his predecessor. The expedition utterly broke down, and the army on its return was attacked in crossing the Baetis and compelled to surrender unconditionally. Thus was Lusitania subdued, far more by treachery and assassination on the part of foreigners and natives than by honourable war.

Numantia. While the southern province was scourged by Viriathus and the Lusitanians, a second and not less serious war had, not without their help, broken out in the northern province among the Celtiberian nations. The brilliant successes of
144. Viriathus induced the Arevacae likewise in 610 to rise against the Romans; and for this reason the consul Quintus Caecilius Metellus, who was sent to Spain to relieve Maximus Aemilianus, did not proceed to the southern province, but turned against the Celtiberians. In the contest with them, and more especially during the siege of the town of Contrebia which was deemed impregnable, he showed the same ability which he had displayed in vanquishing the Macedonian pretender; after his two
143, 142. years' administration (611, 612) the northern province was reduced to obedience. The two towns of Termantia and Numantia alone had not yet opened their gates to the Romans; but in their case also a capitulation had been almost concluded, and the greater part of the conditions had been fulfilled by the Spaniards. When required, however, to deliver up their arms, they were restrained like Viriathus by their genuine Spanish pride in the possession of a well-wielded sword, and they resolved to continue the war under the daring Megaravicus. It seemed folly: the

consular army, the command of which was taken up in 613 by the consul Quintus Pompeius, was four times as numerous as the whole population capable of bearing arms in Numantia. But the general, who was wholly unacquainted with war, sustained defeats so severe under the walls of the two cities (613, 614), that he preferred at length to procure by means of negotiations the peace which he could not compel. With Termantia a definitive agreement must have taken place. In the case of the Numantines the Roman general liberated their captives, and summoned the community under the secret promise of favourable treatment to surrender to him at discretion. The Numantines, weary of the war, consented, and the general actually limited his demands to the smallest possible measure. Prisoners of war, deserters, and hostages were delivered up, and the stipulated sum of money was mostly paid, when in 615 the new general Marcus Popillius Laenas arrived in the camp. As soon as Pompeius saw the burden of command devolve on other shoulders, he, with a view to escape from the reckoning that awaited him at Rome for a peace which was according to Roman ideas disgraceful, lighted on the expedient of not merely breaking, but of disowning his word; and when the Numantines came to make their last payment, in the presence of their officers and his own he flatly denied the conclusion of the agreement. The matter was referred for judicial decision to the senate at Rome. While it was discussed there, the war before Numantia was suspended, and Laenas occupied himself with an expedition to Lusitania where he helped to accelerate the catastrophe of Viriathus, and with a foray against the Lusones, neighbours of the Numantines. When at length the decision of the senate arrived, its purport was that the war should be continued—the state became thus a party to the knavery of Pompeius.

141. 141, 140. 139.

With unimpaired courage and increased resentment the Mancinus.

Numantines resumed the struggle; Laenas fought against them unsuccessfully, nor was his successor Gaius Hostilius
187. Mancinus more fortunate (617). But the catastrophe was brought about not so much by the arms of the Numantines, as by the lax and wretched military discipline of the Roman generals and by—what was its natural consequence—the annually-increasing dissoluteness, insubordination, and cowardice of the Roman soldiers. The mere rumour, which moreover was false, that the Cantabri and Vaccaei were advancing to the relief of Numantia, induced the Roman army to evacuate the camp by night without orders, and to seek shelter in the entrenchments constructed sixteen years before by Nobilior (p. 216). The Numantines, informed of their sudden departure, hotly pursued the fugitive army, and surrounded it: there remained to it no choice save to fight its way with sword in hand through the enemy, or to conclude peace on the terms laid down by the Numantines. Although the consul was personally a man of honour, he was weak and little known. Tiberius Gracchus, who served in the army as quaestor, had more influence with the Celtiberians from the hereditary respect in which he was held on account of his father who had so wisely organized the province of the Ebro, and induced the Numantines to be content with an equitable treaty of peace sworn to by all the staff-officers. But the senate not only recalled the general immediately, but after long deliberation caused a proposal to be submitted to the burgesses that the convention should be treated as they had formerly treated that of Caudium, in other words, that they should refuse to ratify it and should devolve the responsibility for it on those by whom it had been concluded. By right this category ought to have included all the officers who had sworn to the treaty; but Gracchus and the others were saved by their connections. Mancinus alone, who did not belong to the circles of the

highest aristocracy, was destined to pay the penalty for his own and others' guilt. Stripped of his insignia, the Roman consular was conducted to the enemy's outposts, and, when the Numantines refused to receive him that they might not on their part acknowledge the treaty as null, the late commander-in-chief stood in his shirt and with his hands tied behind his back for a whole day before the gates of Numantia, a pitiful spectacle to friend and foe. Yet the bitter lesson seemed utterly lost on the successor of Mancinus, his colleague in the consulship, Marcus Aemilius Lepidus. While the discussions as to the treaty with Mancinus were pending in Rome, he attacked the free people of the Vaccaei under frivolous pretexts just as Lucullus had done sixteen years before, and began in concert with the general of the Further province to besiege Pallantia (618). A decree of the senate enjoined him to 136. desist from the war; nevertheless, under the pretext that the circumstances had meanwhile changed, he continued the siege. In doing so he showed himself as bad a soldier as he was a bad citizen. After lying so long before the large and strong city that his supplies in that rugged and hostile country failed, he was obliged to leave behind all the sick and wounded and to undertake a retreat, in which the pursuing Pallantines destroyed half of his soldiers, and, if they had not broken off the pursuit too early, would probably have utterly annihilated the Roman army, which was already in full course of dissolution. For this conduct a fine was imposed on the high-born general at his return. His successors Lucius Furius Philus (618) and Gaius 136. Calpurnius Piso (619) had again to wage war against the 135. Numantines; and, inasmuch as they did nothing at all, they fortunately came home without defeat.

Even the Roman government began at length to perceive that matters could no longer continue on this footing; they resolved to entrust the subjugation of the small Spanish

Scipio Aemilianus.

country-town, as an extraordinary measure, to the first general of Rome, Scipio Aemilianus. The pecuniary means for carrying on the war were indeed doled out to him with preposterous parsimony, and the permission to levy soldiers, which he asked, was even directly refused—a result towards which coterie-intrigues and the fear of being burdensome to the sovereign people may have co-operated. But a great number of friends and clients voluntarily accompanied him; among them was his brother Maximus Aemilianus, who some years before had commanded with distinction against Viriathus. Supported by this trusty band, which was formed into a guard for the general, Scipio began to reorganize the
134. deeply disordered army (620). First of all, the camp-followers had to take their departure—there were found as many as 2000 courtesans, and an endless number of sooth-sayers and priests of all sorts—and, if the soldier was not available for fighting, he had at least to work in the trenches and to march. During the first summer the general avoided any conflict with the Numantines; he contented himself with destroying the stores in the surrounding country, and with chastising the Vaccaei who sold corn to the Numantines, and compelling them to acknowledge the supremacy of Rome. It was only towards winter that Scipio drew together his army round Numantia. Besides the Numidian contingent of horsemen, infantry, and twelve elephants led by the prince Jugurtha, and the numerous Spanish contingents, there were four legions, in all a force of 60,000 men investing a city whose citizens capable of bearing arms did not exceed 8000 at the most. Nevertheless the besieged frequently offered battle; but Scipio, perceiving clearly that the disorganization of many years was not to be repaired all at once, refused to accept it, and, when conflicts did occur in connection with the sallies of the besieged, the cowardly flight of the legionaries, checked with difficulty by the appearance of the general in person, justified such tactics

only too forcibly. Never did a general treat his soldiers more contemptuously than Scipio treated the Numantine army; and he showed his opinion of it not only by bitter speeches, but above all by his course of action. For the first time the Romans waged war by means of mattock and spade, where it depended on themselves alone whether they should use the sword. Around the whole circuit of the city wall, which was nearly three miles in length, there was constructed a double line of circumvallation of twice that extent, provided with walls, towers, and ditches; and the river Douro, by which at first some supplies had reached the besieged through the efforts of bold boatmen and divers, was at length closed. Thus the town, which they did not venture to assault, could not well fail to be reduced through famine; the more so, as it had not been possible for the citizens to lay in provisions during the last summer. The Numantines soon suffered from want of everything. One of their boldest men, Retogenes, cut his way with a few companions through the lines of the enemy, and his touching entreaty that kinsmen should not be allowed to perish without help produced a great effect in Lutia at least, one of the towns of the Arevacae. But before the citizens of Lutia had come to a decision, Scipio, having received information from the partisans of Rome in the town, appeared with a superior force before its walls, and compelled the authorities to deliver up to him the leaders of the movement, 400 of the flower of the youth, whose hands were all cut off by order of the Roman general. The Numantines, thus deprived of their last hope, sent to Scipio to negotiate as to their submission and called on the brave man to spare the brave; but when the envoys on their return announced that Scipio required unconditional surrender, they were torn in pieces by the furious multitude, and a fresh term elapsed before famine and pestilence had completed their work. At length a second message was sent to the Roman head-quarters, that

the town was now ready to submit at discretion. When the citizens were accordingly instructed to appear on the following day before the gates, they asked for some days' delay, to allow those of their number who had determined not to survive the loss of liberty time to die. It was granted, and not a few took advantage of it. At last the miserable remnant appeared before the gates. Scipio chose fifty of the most eminent to form part of his triumphal procession; the rest were sold into slavery, the city was levelled with the ground, and its territory was distributed among the neigh-
133. bouring towns. This occurred in the autumn of 621, fifteen months after Scipio had assumed the chief command.

The fall of Numantia struck at the root of the opposition that was still here and there stirring against Rome; military demonstrations and the imposition of fines sufficed to secure the acknowledgment of the Roman supremacy in all Hither Spain.

The Callaeci conquered.

In Further Spain the Roman dominion was confirmed and extended by the subjugation of the Lusitanians. The consul Decimus Junius Brutus, who came in Caepio's room, settled the Lusitanian war-captives in the neighbourhood of Saguntum, and gave to their new town Valentia (Valencia),
133. like Carteia, a Latin constitution (616); he moreover (616–
133-136. 618) traversed the Iberian west coast in various directions, and was the first of the Romans to reach the shore of the Atlantic Ocean. The towns of the Lusitanians dwelling there, which were obstinately defended by their inhabitants, both men and women, were subdued by him; and the hitherto independent Callaeci were united with the Roman province after a great battle, in which 50,000 of them are said to have fallen. After the subjugation of the Vaccaei, Lusitanians, and Callaeci, the whole peninsula, with the exception of the north coast, was now at least nominally subject to the Romans.

A senatorial commission was sent to Spain in order to

organize, in concert with Scipio, the newly-won provincial territory after the Roman method; and Scipio did what he could to obviate the effects of the infamous and stupid policy of his predecessors. The Caucani for instance, whose shameful maltreatment by Lucullus he had been obliged to witness nineteen years before when a military tribune, were invited by him to return to their town and to rebuild it. Spain began again to experience more tolerable times. The suppression of piracy, which found dangerous lurking-places in the Baleares, through the occupation of these islands by Quintus Caecilius Metellus in 631, was singularly conducive to the prosperity of Spanish commerce; and in other respects also the fertile islands, inhabited by a dense population which was unsurpassed in the use of the sling, were a valuable possession. How numerous the Latin-speaking population in the peninsula was even then, is shown by the settlement of 3000 Spanish Latins in the towns of Palma and Pollentia (Pollenza) in the newly-acquired islands. In spite of various grave evils the Roman administration of Spain preserved on the whole the stamp which the Catonian period, and primarily Tiberius Gracchus, had impressed on it. It is true that the Roman frontier territory had not a little to suffer from the inroads of the tribes, but half subdued or not subdued at all, on the north and west. Among the Lusitanians in particular the poorer youths regularly congregated as banditti, and in large gangs levied contributions from their countrymen or their neighbours, for which reason, even at a much later period, the isolated homesteads in this region were constructed in the style of fortresses, and were, in case of need, capable of defence; nor did the Romans succeed in putting an end to these predatory habits in the inhospitable and almost inaccessible Lusitanian mountains. But what had previously been wars assumed more and more the character of brigandage, which every tolerably efficient governor was able to repress with his ordinary resources;

New organization of Spain.

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and in spite of such inflictions on the border districts Spain was the most flourishing and best-organized country in all the Roman dominions; the system of tenths and the middlemen were there unknown; the population was numerous, and the country was rich in corn and cattle.

The protected states.

Far more insupportable was the condition—intermediate between formal sovereignty and actual subjection—of the African, Greek, and Asiatic states which were brought within the sphere of Roman hegemony through the wars of Rome with Carthage, Macedonia, and Syria, and their consequences. An independent state does not pay too dear a price for its independence in accepting the sufferings of war when it cannot avoid them; a state which has lost its independence may find at least some compensation in the fact that its protector procures for it peace with its neighbours. But these client states of Rome had neither independence nor peace. In Africa there practically subsisted a perpetual border-war between Carthage and Numidia. In Egypt Roman arbitration had settled the dispute as to the succession between the two brothers Ptolemy Philometor and Ptolemy the Fat; nevertheless the new rulers of Egypt and Cyrene waged war for the possession of Cyprus. In Asia not only were most of the kingdoms—Bithynia, Cappadocia, Syria—likewise torn by internal quarrels as to the succession and by the interventions of neighbouring states to which these quarrels gave rise, but various and severe wars were carried on between the Attalids and the Galatians, between the Attalids and the kings of Bithynia, and even between Rhodes and Crete. In Hellas proper, in like manner, the pigmy feuds which were customary there continued to smoulder; and even Macedonia, formerly so tranquil, consumed its strength in the intestine strife that arose out of its new democratic constitutions. It was the fault of the rulers as well as the ruled, that the last vital energies

and the last prosperity of the nations were expended in these aimless feuds. The client states ought to have perceived that a state which cannot wage war against every one cannot wage war at all, and that, as the possessions and power enjoyed by all these states were practically under Roman guarantee, they had in the event of any difference no alternative but to settle the matter amicably with their neighbours or to call in the Romans as arbiters. When the Achaean diet was urged by the Rhodians and Cretans to grant them the aid of the league, and seriously deliberated as to sending it (601), it was simply a political 153
farce; the principle which the leader of the party friendly to Rome then laid down—that the Achaeans were no longer at liberty to wage war without the permission of the Romans—expressed, doubtless with disagreeable precision, the simple truth that the sovereignty of the dependent states was merely a formal one, and that any attempt to give life to the shadow must necessarily lead to the destruction of the shadow itself. But the ruling community deserves a censure more severe than that directed against the ruled. It is no easy task for a man—any more than for a state—to own to insignificance; it is the duty and right of the ruler either to renounce his authority, or by the display of an imposing material superiority to compel the ruled to resignation. The Roman senate did neither. Invoked and importuned on all hands, the senate interfered incessantly in the course of African, Hellenic, Asiatic, and Egyptian affairs; but it did so after so inconstant and loose a fashion, that its attempts to settle matters usually only rendered the confusion worse. It was the epoch of commissions. Commissioners of the senate were constantly going to Carthage and Alexandria, to the Achaean diet, and to the courts of the rulers of western Asia; they investigated, inhibited, reported, and yet decisive steps were not unfrequently taken in the most important matters

without the knowledge, or against the wishes, of the senate. It might happen that Cyprus, for instance, which the senate had assigned to the kingdom of Cyrene, was nevertheless retained by Egypt; that a Syrian prince ascended the throne of his ancestors under the pretext that he had obtained a promise of it from the Romans, while the senate had in fact expressly refused to give it to him, and he himself had only escaped from Rome by breaking their interdict; that even the open murder of a Roman commissioner, who under the orders of the senate administered as guardian the government of Syria, passed totally unpunished. The Asiatics were very well aware that they were not in a position to resist the Roman legions; but they were no less aware that the senate was but little inclined to give the burgesses orders to march for the Euphrates or the Nile. Thus the state of these remote countries resembled that of the schoolroom when the teacher is absent or lax; and the government of Rome deprived the nations at once of the blessings of freedom and of the blessings of order. For the Romans themselves, moreover, this state of matters was so far perilous that it to a certain extent left their northern and eastern frontier exposed. In these quarters kingdoms might be formed by the aid of the inland countries situated beyond the limits of the Roman hegemony and in antagonism to the weak states under Roman protection, without Rome being able directly or speedily to interfere, and might develop a power dangerous to, and entering sooner or later into rivalry with, Rome. No doubt the condition of the bordering nations—everywhere split into fragments and nowhere favourable to political development on a great scale—formed some sort of protection against this danger; yet we very clearly perceive in the history of the east, that at this period the Euphrates was no longer guarded by the phalanx of Seleucus and was not yet watched by the legions of Augustus.

It was high time to put an end to this state of indecision. But the only possible way of ending it was by converting the client states into Roman provinces. This could be done all the more easily, that the Roman provincial constitution in substance only concentrated military power in the hands of the Roman governor, while administration and jurisdiction in the main were, or at any rate were intended to be, retained by the communities, so that as much of the old political independence as was at all capable of life might be preserved in the form of communal freedom. The necessity for this administrative reform could not well be mistaken; the only question was, whether the senate would delay and mar it, or whether it would have the courage and the power clearly to discern and energetically to execute what was needful.

Carthage and Numidia.

Let us first glance at Africa. The order of things established by the Romans in Libya rested in substance on a balance of power between the Nomad kingdom of Massinissa and the city of Carthage. While the former was enlarged, confirmed, and civilized under the vigorous and sagacious government of Massinissa (ii. 382), Carthage in consequence simply of a state of peace became once more, at least in wealth and population, what it had been at the height of its political power. The Romans saw with ill-concealed and envious fear the apparently indestructible prosperity of their old rival; while hitherto they had refused to grant to it any real protection against the constantly continued encroachments of Massinissa, they now began openly to interfere in favour of the neighbouring prince. The dispute which had been pending for more than thirty years between the city and the king as to the possession of the province of Emporia on the Lesser Syrtis, one of the most fertile in the Carthaginian territory, was at length (about 594) decided by Roman commissioners to the effect that the Carthaginians should evacuate those towns

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of Emporia which still remained in their possession, and should pay 500 talents (£120,000) to the king as compensation for the illegal enjoyment of the territory. The consequence was, that Massinissa immediately seized another Carthaginian district on the western frontier of their territory, the town of Tusca and the great plains near the Bagradas; no course was left to the Carthaginians but to commence another hopeless process at Rome. After long and, beyond doubt, intentional delay a second commission
157. appeared in Africa (597); but, when the Carthaginians were unwilling to commit themselves unconditionally to a decision to be pronounced by it as arbiter without an exact preliminary investigation into the question of legal right, and insisted on a thorough discussion of the latter question, the commissioners without further ceremony returned to Rome.

The destruction of Carthage resolved on at Rome.

The question of right between Carthage and Massinissa thus remained unsettled; but the mission gave rise to a more important decision. The head of this commission had been the old Marcus Cato, at that time perhaps the most influential man in the senate, and, as a veteran survivor from the Hannibalic war, still filled with thorough hatred and thorough dread of the Phoenicians. With surprise and jealousy Cato had seen with his own eyes the flourishing state of the hereditary foes of Rome, the luxuriant country and the crowded streets, the immense stores of arms in the magazines and the rich materials for a fleet; already he in spirit beheld a second Hannibal wielding all these resources against Rome. In his honest and manly, but thoroughly narrow-minded, fashion, he came to the conclusion that Rome could not be secure until Carthage had disappeared from the face of the earth, and immediately after his return set forth this view in the senate. Those of the aristocracy whose ideas were more enlarged, and especially Scipio Nasica, opposed this paltry

policy with great earnestness; and showed how blind were the fears entertained regarding a mercantile city whose Phoenician inhabitants were becoming more and more disused to warlike arts and ideas, and how the existence of that rich commercial city was quite compatible with the political supremacy of Rome. Even the conversion of Carthage into a Roman provincial town would have been practicable, and indeed, compared with the present condition of the Phoenicians, perhaps even not unwelcome. Cato, however, desired not the submission, but the destruction of the hated city. His policy, as it would seem, found allies partly in the statesmen who were inclined to bring the transmarine territories into immediate dependence on Rome, partly and especially in the mighty influence of the Roman bankers and great capitalists on whom, after the destruction of the rich moneyed and mercantile city, its inheritance would necessarily devolve. The majority resolved at the first fitting opportunity—respect for public opinion required that they should wait for such—to bring about war with Carthage, or rather the destruction of the city.

War between Massinissa and Carthage.

The desired occasion was soon found. The provoking violations of right on the part of Massinissa and the Romans brought to the helm in Carthage Hasdrubal and Carthalo, the leaders of the patriotic party, which was not indeed, like the Achaean, disposed to revolt against the Roman supremacy, but was at least resolved to defend, if necessary, by arms against Massinissa the rights belonging by treaty to the Carthaginians. The patriots ordered forty of the most decided partisans of Massinissa to be banished from the city, and made the people swear that they would on no account ever permit their return; at the same time, in order to repel the attacks that might be expected from Massinissa, they formed out of the free Numidians a numerous army under Arcobarzanes, the grandson of Syphax (about

154. 600). Massinissa, however, was prudent enough not to take arms now, but to submit himself unconditionally to the decision of the Romans respecting the disputed territory on the Bagradas; and thus the Romans could assert with some plausibility that the Carthaginian preparations must have been directed against them, and could insist on the immediate dismissal of the army and destruction of the naval stores. The Carthaginian senate was disposed to consent, but the multitude prevented the execution of the decree, and the Roman envoys, who had brought this order to Carthage, were in peril of their lives. Massinissa sent his son Gulussa to Rome to report the continuance of the Carthaginian warlike preparations by land and sea, and to hasten the declaration of war. After a further embassy of ten men had confirmed the statement that Carthage was in
152. reality arming (602), the senate rejected the demand of Cato for an absolute declaration of war, but resolved in a secret sitting that war should be declared if the Carthaginians would not consent to dismiss their army and to burn their materials for a fleet. Meanwhile the conflict had already begun in Africa. Massinissa had sent back the men whom the Carthaginians had banished, under the escort of his son Gulussa, to the city. When the Carthaginians closed their gates against them and killed also some of the Numidians returning home, Massinissa put his troops in motion, and the patriot party in Carthage also prepared for the struggle. But Hasdrubal, who was placed at the head of their army, was one of the usual army-destroyers whom the Carthaginians were in the habit of employing as generals; strutting about in his general's purple like a theatrical king, and pampering his portly person even in the camp, that vain and unwieldy man was little fitted to render help in an exigency which perhaps even the genius of Hamilcar and the arm of Hannibal could have no longer averted. Before the eyes of Scipio Aemi-

lianus, who at that time a military tribune in the Spanish army, had been sent to Massinissa to bring over African elephants for his commander, and who on this occasion looked down on the conflict from a mountain "like Zeus from Ida," the Carthaginians and Numidians fought a great battle, in which the former, though reinforced by 6000 Numidian horsemen brought to them by discontented captains of Massinissa, and superior in number to the enemy, were worsted. After this defeat the Carthaginians offered to make cessions of territory and payments of money to Massinissa, and Scipio at their solicitation attempted to bring about an agreement; but the project of peace was frustrated by the refusal of the Carthaginian patriots to surrender the deserters. Hasdrubal, however, closely hemmed in by the troops of his antagonist, was compelled to grant to the latter all that he demanded—the surrender of the deserters, the return of the exiles, the delivery of arms, the marching off under the yoke, the payment of 100 talents (£24,000) annually for the next fifty years. But even this agreement was not kept by the Numidians; on the contrary the disarmed remnant of the Carthaginian army was cut to pieces by them on the way home.

Declaration of war by Rome.

The Romans, who had carefully abstained from preventing the war itself by seasonable interposition, had now what they wished: namely, a serviceable pretext for war—for the Carthaginians had certainly now transgressed the stipulations of the treaty, that they should not wage war against the allies of Rome or beyond their own bounds (ii. 361, 376)—and an antagonist already beaten beforehand. The Italian contingents were already summoned to Rome, and the ships were assembled; the declaration of war might issue at any moment. The Carthaginians made every effort to avert the impending blow. Hasdrubal and Carthalo, the leaders of the patriot party, were condemned to

death, and an embassy was sent to Rome to throw the responsibility on them. But at the same time envoys from Utica, the second city of the Libyan Phoenicians, arrived there with full powers to surrender their community wholly to the Romans—compared with such obliging submissiveness, it seemed almost an insolence that the Carthaginians had rested content with ordering, unbidden, the execution of their most eminent men. The senate declared that the excuse of the Carthaginians was found insufficient; to the question, what in that case would suffice, the reply was given that the Carthaginians knew that themselves. They might, no doubt, have known what the Romans wished; but yet it seemed impossible to believe that the last hour of their loved native city had really come. Once more Carthaginian envoys—on this occasion thirty in number and with unlimited powers—were sent to Rome. When
149. they arrived, war was already declared (beginning of 605), and the double consular army had embarked. Yet they even now attempted to dispel the storm by complete submission. The senate replied that Rome was ready to guarantee to the Carthaginian community its territory, its municipal freedom and its laws, its public and private property, provided that it would furnish to the consuls who had just departed for Sicily within the space of a month at Lilybaeum 300 hostages from the children of the leading families, and would fulfil the further orders which the consuls in conformity with their instructions should issue to them. The reply has been called ambiguous; but very erroneously, as even at the time clearsighted men among the Carthaginians themselves pointed out. The circumstance that everything which they could ask was guaranteed with the single exception of the city, and that nothing was said as to stopping the embarkation of the troops for Africa, showed very clearly what the Roman intentions were; the senate acted with fearful harshness, but it did not assume the semblance

of concession. The Carthaginians, however, would not open their eyes; there was no statesman found, who had the power to move the unstable multitude of the city either to thorough resistance or to thorough resignation. When they heard at the same time of the horrible decree of war and of the endurable demand for hostages, they complied immediately with the latter, and still clung to hope, because they had not the courage fully to realize the import of surrendering themselves beforehand to the arbitrary will of a mortal foe. The consuls sent back the hostages from Lilybaeum to Rome, and informed the Carthaginian envoys that they would learn further particulars in Africa. The landing was accomplished without resistance, and the provisions demanded were supplied. When the gerusia of Carthage appeared in a body at the head-quarters in Utica to receive the further orders, the consuls required in the first instance the disarming of the city. To the question of the Carthaginians, who was in that case to protect them even against their own emigrants—against the army, which had swelled to 20,000 men, under the command of Husdrubal who had saved himself from the sentence of death by flight—it was replied, that this would be the concern of the Romans. Accordingly the council of the city obsequiously appeared before the consuls with all their fleet-material, all the military stores of the public magazines, all the arms that were found in the possession of private persons—to the number of 3000 catapults and 200,000 sets of armour—and inquired whether anything more was desired. Then the consul Lucius Marcius Censorinus rose and announced to the council, that in accordance with the instructions given by the senate the existing city was to be destroyed, but that the inhabitants were at liberty to settle anew in their territory wherever they chose, provided it were at a distance of at least ten miles from the sea.

This fearful command aroused in the Phoenicians all

Resistance of the Carthaginians.

the—shall we say magnanimous or frenzied?—enthusiasm, which was displayed previously by the Tyrians against Alexander, and subsequently by the Jews against Vespasian. Unparalleled as was the patience with which this nation could endure bondage and oppression, as unparalleled was now the furious rising of that mercantile and seafaring population, when the things at stake were not the state and freedom, but the beloved soil of their ancestral city and their venerated and dear home beside the sea. Hope and deliverance were out of the question; political discretion enjoined even now an unconditional submission. But the voice of the few who counselled the acceptance of what was inevitable was, like the call of the pilot during a hurricane, drowned amidst the furious yells of the multitude; which, in its frantic rage, laid hands on the magistrates of the city who had counselled the surrender of the hostages and arms, made such of the innocent bearers of the news as had ventured at all to return home expiate their terrible tidings, and tore in pieces the Italians who chanced to be sojourning in the city by way of avenging beforehand, at least on them, the destruction of its native home. No resolution was passed to defend themselves; unarmed as they were, this was a matter of course. The gates were closed; stones were carried to the battlements of the walls that had been stripped of the catapults; the chief command was entrusted to Hasdrubal, the grandson of Massinissa; the slaves in a body were declared free. The army of refugees under the fugitive Hasdrubal—which was in possession of the whole Carthaginian territory with the exception of the towns on the east coast occupied by the Romans, viz. Hadrumetum, Little Leptis, Thapsus and Achulla, and the city of Utica, and offered an invaluable support for the defence—was entreated not to refuse its aid to the commonwealth in this dire emergency. At the same

time, concealing in true Phoenician style the most unbounded resentment under the cloak of humility, they attempted to deceive the enemy. A message was sent to the consuls to request a thirty days' armistice for the despatch of an embassy to Rome. The Carthaginians were well aware that the generals neither would nor could grant this request, which had been refused once already; but the consuls were confirmed by it in the natural supposition that after the first outbreak of despair the utterly defenceless city would submit, and accordingly postponed the attack. The precious interval was employed in preparing catapults and armour; day and night all, without distinction of age or sex, were occupied in constructing machines and forging arms; the public buildings were torn down to procure timber and metal; women cut off their hair to furnish the strings indispensable for the catapults; in an incredibly short time the walls and the men were once more armed. That all this could be done without the consuls, who were but a few miles off, learning anything of it, is not the least marvellous feature in this marvellous movement sustained by a truly enthusiastic, and in fact superhuman, national hatred. When at length the consuls, weary of waiting, broke up from their camp at Utica, and thought that they should be able to scale the bare walls with ladders, they found to their surprise and horror the battlements crowned anew with catapults, and the large populous city which they had hoped to occupy like an open village, able and ready to defend itself to the last man.

Situation of Carthage.

Carthage was rendered very strong both by the nature of its situation[1] and by the art of its inhabitants, who had

[1] The line of the coast has been in the course of centuries so much changed that the former local relations are but imperfectly recognizable on the ancient site. The name of the city is preserved by Cape Cartagena—also called from the saint's tomb found there Ras Sidi bu Said

very often to depend on the protection of its walls. Into the broad gulf of Tunis, which is bounded on the west by Cape Farina and on the east by Cape Bon, there projects in a direction from west to east a promontory, which is encompassed on three sides by the sea and is connected with the mainland only towards the west. This promontory, at its narrowest part only about two miles broad and on the whole flat, again expands towards the gulf, and terminates there in the two heights of Jebel-Khawi and Sidi bu Said, between which extends the plain of El Mersa. On its southern portion which ends in the height of Sidi bu Said lay the city of Carthage. The pretty steep declivity of that height towards the gulf and its numerous rocks and shallows gave natural strength to the side of the city next to the gulf, and a simple circumvallation was sufficient there. On the wall along the west or landward side, on the other hand, where nature afforded no protection, every appliance within the power of the art of fortification in those times was expended. It consisted, as its recently discovered remains exactly tallying with the description of Polybius have shown, of an outer wall 6½ feet thick and immense casemates attached to it behind, probably along its whole extent; these were separated from the outer wall by a covered way 6 feet broad, and had a depth of 14 feet, exclusive of the front and back walls, each of which was fully 3 feet broad.[1]

—the eastern headland of the peninsula, projecting into the gulf with its highest point rising to 393 feet above the level of the sea.

[1] The dimensions given by Beulé (*Fouilles à Carthage*, 1861) are as follows in mètres and in Greek feet (1 = 0·309 mètre):—

Outer wall	2 mètres	=	6½ feet.
Corridor	1·9 ,,	=	6 ,,
Front wall of casemates	1 ,,	=	3¼ ,,
Casemate rooms	4·2 ,,	=	14 ,,
Back wall of casemates	1 ,,	=	3¼ ,,
Whole breadth of the walls	10·1 mètres	=	33 feet.

Or, as Diodorus (p. 522) states it, 22 cubits (1 Greek cubit = 1½ feet),

This enormous wall, composed throughout of large hewn blocks, rose in two stories, exclusive of the battlements and the huge towers four stories high, to a height of 45 feet,[1] and furnished in the lower range of the casemates stables and provender-stores for 300 elephants, in the upper range stalls for horses, magazines, and barracks.[2] The citadel-hill, the Byrsa (Syriac, *bîrtha* = citadel), a compara-

while Livy (*ap.* Oros. iv. 22) and Appian (*Pun.* 95), who seem to have had before them another less accurate passage of Polybius, state the breadth of the walls at 30 feet. The triple wall of Appian—as to which a false idea has hitherto been diffused by Florus (i. 31)—denotes the outer wall, and the front and back walls of the casemates. That this coincidence is not accidental, and that we have here in reality the remains of the famed walls of Carthage before us, will be evident to every one: the objections of Davis (*Carthage and her Remains*, p. 370 *et seq.*) only show how little even the utmost zeal can adduce in opposition to the main results of Beulé. Only we must maintain that all the ancient authorities give the statements of which we are now speaking with reference not to the citadel-wall, but to the city-wall on the landward side, of which the wall along the south side of the citadel-hill was an integral part (Oros. iv. 22). In accordance with this view, the excavations at the citadel-hill on the east, north, and west, have shown no traces of fortifications, whereas on the south side they have brought to light the very remains of this great wall. There is no reason for regarding these as the remains of a separate fortification of the citadel distinct from the city wall; it may be presumed that further excavations at a corresponding depth—the foundation of the city wall discovered at the Byrsa lies fifty-six feet beneath the present surface—will bring to light like, or at any rate analogous, foundations along the whole landward side, although it is probable that at the point where the walled suburb of Magalia rested on the main wall the fortification was either weaker from the first or was early neglected. The length of the wall as a whole cannot be stated with precision; but it must have been very considerable, for three hundred elephants were stabled there, and the stores for their fodder and perhaps other spaces also as well as the gates are to be taken into account. It is easy to conceive how the inner city, within the walls of which the Byrsa was included, should, especially by way of contrast to the suburb of Magalia which had its separate circumvallation, be sometimes itself called Byrsa (App. *Pun.* 117; Nepos, *ap.* Serv. *Aen.* i. 368).

[1] Such is the height given by Appian, *l. c.*; Diodorus gives the height, probably inclusive of the battlements, at 40 cubits or 60 feet. The remnant preserved is still from 13 to 16 feet (4–5 mètres) high.

[2] The rooms of a horse-shoe shape brought to light in excavation have a depth of 14, and a breadth of 11, Greek feet; the width of the entrances is not specified. Whether these dimensions and the proportions of the corridor suffice for our recognizing them as elephants' stalls, remains to be settled by a more accurate investigation. The partition-walls, which separate the apartments, have a thickness of 1·1 mètre = 3½ feet.

tively considerable rock having a height of 188 feet and at its base a circumference of fully 2000 double paces,[1] was joined to this wall at its southern end, just as the rock-wall of the Capitol was joined to the city-wall of Rome. Its summit bore the huge temple of the God of Healing, resting on a basement of sixty steps. The south side of the city was washed partly by the shallow lake of Tunes towards the south-west, which was separated almost wholly from the gulf by a narrow and low tongue of land running southwards from the Carthaginian peninsula,[2] partly by the open gulf towards the south-east. At this last spot was situated the double harbour of the city, a work of human hands; the outer or commercial harbour, a longish rectangle with the narrow end turned to the sea, from whose entrance, only 70 feet wide, broad quays stretched along the water on both sides, and the inner circular war-harbour, the Cothon,[3] with the island containing the admiral's house in the middle, which was approached through the outer harbour. Between the two passed the city wall, which turning eastward from the Byrsa excluded the tongue of land and the outer harbour, but included the war-harbour, so that the entrance to the latter must be conceived as capable of being closed like a gate. Not far from the war-harbour lay the market-place, which was connected by three narrow streets with the citadel open on the side towards the town. To the

[1] Oros. iv. 22. Fully 2000 paces, or—as Polybius must have said—16 *stadia*, are = about 3000 mètres. The citadel-hill, on which the church of St. Louis now stands, measures at the top about 1400, half-way up about 2600, mètres in circumference (Beulé, p. 22); for the circumference at the base that estimate will very well suffice.

[2] It now bears the fort Goletta.

[3] That this Phoenician word signifies a basin excavated in a circular shape, is shown both by Diodorus (iii. 44), and by its being employed by the Greeks to denote a "cup." It thus suits only the inner harbour of Carthage, and in that sense it is used by Strabo (xvii. 2, 14, where it is strictly applied to the admiral's island) and Fest. *Ep. v. cothones*, p. 37. Appian (*Pun.* 127) is not quite accurate in describing the rectangular harbour in front of the Cothon as part of it.

north of, and beyond, the city proper, the pretty considerable space of the modern El Mersa, even at that time occupied in great part by villas and well-watered gardens, and then called Magalia, had a circumvallation of its own joining on to the city wall. On the opposite point of the peninsula, the Jebel-Khawi near the modern village of Ghamart, lay the necropolis. These three—the old city, the suburb, and the necropolis—together filled the whole breadth of the promontory on its side next the gulf, and were only accessible by the two highways leading to Utica and Tunes along that narrow tongue of land, which, although not closed by a wall, yet afforded a most advantageous position for the armies taking their stand under the protection of the capital with the view of protecting it in return.

The difficult task of reducing so well fortified a city was rendered still more difficult by the fact, that the resources of the capital itself and of its territory which still included 800 townships and was mostly under the power of the emigrant party on the one hand, and the numerous tribes of the free or half-free Libyans hostile to Massinissa on the other, enabled the Carthaginians simultaneously with their defence of the city to keep a numerous army in the field—an army which, from the desperate temper of the emigrants and the serviceableness of the light Numidian cavalry, the besiegers could not afford to disregard.

The consuls accordingly had by no means an easy task to perform, when they now found themselves compelled to commence a regular siege. Manius Manilius, who commanded the land army, pitched his camp opposite the wall of the citadel, while Lucius Censorinus stationed himself with the fleet on the lake and there began operations on the tongue of land. The Carthaginian army, under Hasdrubal, encamped on the other side of the lake near the fortress of Nepheris, whence it obstructed the labours of

The siege

the Roman soldiers despatched to cut timber for constructing machines, and the able cavalry-leader in particular, Himilco Phameas, slew many of the Romans. Censorinus fitted up two large battering-rams on the tongue, and made a breach with them at this weakest place of the wall; but, as evening had set in, the assault had to be postponed. During the night the besieged succeeded in filling up a great part of the breach, and in so damaging the Roman machines by a sortie that they could not work next day. Nevertheless the Romans ventured on the assault; but they found the breach and the portions of the wall and houses in the neighbourhood so strongly occupied, and advanced with such imprudence, that they were repulsed with severe loss and would have suffered still greater damage, had not the military tribune Scipio Aemilianus, foreseeing the issue of the foolhardy attack, kept together his men in front of the walls and with them intercepted the fugitives. Manilius accomplished still less against the impregnable wall of the citadel. The siege thus lingered on. The diseases engendered in the camp by the heat of summer, the departure of Censorinus the abler general, the ill-humour and inaction of Massinissa who was naturally far from pleased to see the Romans taking for themselves the booty which he had long coveted, and the death of the king at the age of ninety which ensued
149. soon after (end of 605), utterly arrested the offensive operations of the Romans. They had enough to do in protecting their ships against the Carthaginian incendiaries and their camp against nocturnal surprises, and in securing food for their men and horses by the construction of a harbour-fort and by forays in the neighbourhood. Two expeditions directed against Hasdrubal remained without success; and in fact the first, badly led over difficult ground, had almost terminated in a formal defeat. But, while the course of the war was inglorious for the general

and the army, the military tribune Scipio achieved in it brilliant distinction. It was he who, on occasion of a nocturnal attack by the enemy on the Roman camp, starting with some squadrons of horse and taking the enemy in rear, compelled him to retreat. On the first expedition to Nepheris, when the passage of the river had taken place in opposition to his advice and had almost occasioned the destruction of the army, by a bold attack in flank he relieved the pressure on the retreating troops, and by his devoted and heroic courage rescued a division which had been given up as lost. While the other officers, and the consul in particular, by their perfidy deterred the towns and party-leaders that were inclined to negotiate, Scipio succeeded in inducing one of the ablest of the latter, Himilco Phameas, to pass over to the Romans with 2200 cavalry. Lastly, after he had in fulfilment of the charge of the dying Massinissa divided his kingdom among his three sons, Micipsa, Gulussa, and Mastanabal, he brought to the Roman army in Gulussa a cavalry-leader worthy of his father, and thereby remedied the want, which had hitherto been seriously felt, of light cavalry. His refined and yet simple demeanour, which recalled rather his own father than him whose name he bore, overcame even envy, and in the camp as in the capital the name of Scipio was on the lips of all. Even Cato, who was not liberal with his praise, a few months before his death—he died at the end of 605 without having seen the wish of his life, the 149.
destruction of Carthage, accomplished—applied to the young officer and to his incapable comrades the Homeric line:—

He only is a living man, the rest are gliding shades.[1]

While these events were passing, the close of the year

[1] Οἷος πέπνυται, τοὶ δὲ σκιαὶ ἀίσσουσιν.

had come and with it a change of commanders; the consul
148. Lucius Piso (606) was somewhat late in appearing and took the command of the land army, while Lucius Mancinus took charge of the fleet. But, if their predecessors had done little, these did nothing at all. Instead of prosecuting the siege of Carthage or subduing the army of Hasdrubal, Piso employed himself in attacking the small maritime towns of the Phoenicians, and that mostly without success. Clupea, for example, repulsed him, and he was obliged to retire in disgrace from Hippo Diarrhytus, after having lost the whole summer in front of it and having had his besieging apparatus twice burnt. Neapolis was no doubt taken; but the pillage of the town in opposition to his pledged word of honour was not specially favourable to the progress of the Roman arms. The courage of the Carthaginians rose. Bithyas, a Numidian sheik, passed over to them with 800 horse; Carthaginian envoys were enabled to attempt negotiations with the kings of Numidia and Mauretania and even with Philip the Macedonian pretender. It was perhaps internal intrigues—Hasdrubal the emigrant brought the general of the same name, who commanded in the city, into suspicion on account of his relationship with Massinissa, and caused him to be put to death in the senate-house—rather than the activity of the Romans, that prevented things from assuming a turn still more favourable for Carthage.

Scipio Aemilianus.

With the view of producing a change in the state of African affairs, which excited uneasiness, the Romans resorted to the extraordinary measure of entrusting the conduct of the war to the only man who had as yet brought home honour from the Libyan plains, and who was recommended for this war by his very name. Instead of calling Scipio to the aedileship for which he was a candidate, they gave to him the consulship before the usual time, setting aside the laws to the contrary effect, and committed to him

by special decree the conduct of the African war. He arrived (607) in Utica at a moment when much was at stake. 147.
The Roman admiral Mancinus, charged by Piso with the nominal continuance of the siege of the capital, had occupied a steep cliff, far remote from the inhabited district and scarcely defended, on the almost inaccessible seaward side of the suburb of Magalia, and had united nearly his whole not very numerous force there, in the hope of being able to penetrate thence into the outer town. In fact the assailants had been for a moment within its gates and the camp-followers had flocked forward in a body in the hope of spoil, when they were again driven back to the cliff and, being without supplies and almost cut off, were in the greatest danger. Scipio found matters in that position. He had hardly arrived when he despatched the troops which he had brought with him and the militia of Utica by sea to the threatened point, and succeeded in saving its garrison and holding the cliff itself. After this danger was averted, the general proceeded to the camp of Piso to take over the army and bring it back to Carthage. Hasdrubal and Bithyas availed themselves of his absence to move their camp immediately up to the city, and to renew the attack on the garrison of the cliff before Magalia; but even now Scipio appeared with the vanguard of the main army in sufficient time to afford assistance to the post. Then the siege began afresh and more earnestly. First of all Scipio cleared the camp of the mass of camp-followers and sutlers and once more tightened the relaxed reins of discipline. Military operations were soon resumed with increased vigour. In an attack by night on the suburb the Romans succeeded in passing from a tower—placed in front of the walls and equal to them in height—on to the battlements, and opened a little gate through which the whole army entered. The Carthaginians abandoned the suburb and their camp before the gates, and gave the chief command

of the garrison of the city, amounting to 30,000 men, to Hasdrubal. The new commander displayed his energy in the first instance by giving orders that all the Roman prisoners should be brought to the battlements and, after undergoing cruel tortures, should be thrown over before the eyes of the besieging army; and, when voices were raised in disapproval of the act, a reign of terror was introduced with reference to the citizens also. Scipio, meanwhile, after having confined the besieged to the city itself, sought totally to cut off their intercourse with the outer world. He took up his head-quarters on the ridge by which the Carthaginian peninsula was connected with the mainland, and, notwithstanding the various attempts of the Carthaginians to disturb his operations, constructed a great camp across the whole breadth of the isthmus, which completely blockaded the city from the landward side. Nevertheless ships with provisions still ran into the harbour, partly bold merchantmen allured by the great gain, partly vessels of Bithyas, who availed himself of every favourable wind to convey supplies to the city from Nepheris at the end of the lake of Tunes; whatever might now be the sufferings of the citizens, the garrison was still sufficiently provided for. Scipio therefore constructed a stone mole, 96 feet broad, running from the tongue of land between the lake and gulf into the latter, so as thus to close the mouth of the harbour. The city seemed lost, when the success of this undertaking, which was at first ridiculed by the Carthaginians as impracticable, became evident. But one surprise was balanced by another. While the Roman labourers were constructing the mole, work was going forward night and day for two months in the Carthaginian harbour, without even the deserters being able to tell what were the designs of the besieged. All of a sudden, just as the Romans had completed the bar across the entrance to the harbour, fifty Carthaginian triremes and a number of boats and skiffs sailed forth from that same

harbour into the gulf—while the enemy were closing the old mouth of the harbour towards the south, the Carthaginians had by means of a canal formed in an easterly direction procured for themselves a new outlet, which owing to the depth of the sea at that spot could not possibly be closed. Had the Carthaginians, instead of resting content with a mere demonstration, thrown themselves at once and resolutely on the half-dismantled and wholly unprepared Roman fleet, it must have been lost; when they returned on the third day to give the naval battle, they found the Romans in readiness. The conflict came off without decisive result; but on their return the Carthaginian vessels so ran foul of each other in and before the entrance of the harbour, that the damage thus occasioned was equivalent to a defeat. Scipio now directed his attacks against the outer quay, which lay outside of the city walls and was only protected for the exigency by an earthen rampart of recent construction. The machines were stationed on the tongue of land, and a breach was easily made; but with unexampled intrepidity the Carthaginians, wading through the shallows, assailed the besieging implements, chased away the covering force which ran off in such a manner that Scipio was obliged to make his own troopers cut them down, and destroyed the machines. In this way they gained time to close the breach. Scipio, however, again established the machines and set on fire the wooden towers of the enemy; by which means he obtained possession of the quay and of the outer harbour along with it. A rampart equalling the city wall in height was here constructed, and the town was now at length completely blockaded by land and sea, for the inner harbour could only be reached through the outer. To ensure the completeness of the blockade, Scipio ordered Gaius Laelius to attack the camp at Nepheris, where Diogenes now held the command; it was captured by a fortunate stratagem, and the whole countless multitude

assembled there were put to death or taken prisoners. Winter had now arrived and Scipio suspended his operations, leaving famine and pestilence to complete what he had begun.

Capture of the city.

How fearfully these mighty agencies had laboured in the work of destruction during the interval while Hasdrubal continued to vaunt and to gormandize, appeared so soon as
146. the Roman army proceeded in the spring of 608 to attack the inner town. Hasdrubal gave orders to set fire to the outer harbour and made himself ready to repel the expected assault on the Cothon; but Laelius succeeded in scaling the wall, hardly longer defended by the famished garrison, at a point farther up and thus penetrated into the inner harbour. The city was captured, but the struggle was still by no means at an end. The assailants occupied the market-place contiguous to the small harbour, and slowly pushed their way along the three narrow streets leading from this to the citadel—slowly, for the huge houses of six stories in height had to be taken one by one; on the roofs or on beams laid over the street the soldiers penetrated from one of these fortress-like buildings to that which was adjoining or opposite, and cut down whatever they encountered there. Thus six days elapsed, terrible for the inhabitants of the city and full of difficulty and danger also for the assailants; at length they arrived in front of the steep citadel-rock, whither Hasdrubal and the force still surviving had retreated. To procure a wider approach, Scipio gave orders to set fire to the captured streets and to level the ruins; on which occasion a number of persons unable to fight, who were concealed in the houses, miserably perished. Then at last the remnant of the population, crowded together in the citadel, besought for mercy. Bare life was conceded to them, and they appeared before the victor, 30,000 men and 25,000 women, not the tenth part of the former population. The Roman

deserters alone, 900 in number, and the general Hasdrubal with his wife and his two children had thrown themselves into the temple of the God of Healing; for them—for soldiers who had deserted their posts, and for the murderer of the Roman prisoners—there were no terms. But when, yielding to famine, the most resolute of them set fire to the temple, Hasdrubal could not endure to face death; alone he ran forth to the victor and falling upon his knees pleaded for his life. It was granted; but, when his wife who with her children was among the rest on the roof of the temple saw him at the feet of Scipio, her proud heart swelled at this disgrace brought on her dear perishing home, and, with bitter words bidding her husband be careful to save his life, she plunged first her sons and then herself into the flames. The struggle was at an end. The joy in the camp and at Rome was boundless; the noblest of the people alone were in secret ashamed of the most recent grand achievement of the nation. The prisoners were mostly sold as slaves; several were allowed to languish in prison; the most notable, Hasdrubal and Bithyas, were sent to the interior of Italy as Roman state-prisoners and tolerably treated. The moveable property, with the exception of gold, silver, and votive gifts, was abandoned to the pillage of the soldiers. As to the temple treasures, the booty that had been in better times carried off by the Carthaginians from the Sicilian towns was restored to them; the bull of Phalaris, for example, was returned to the Agrigentines; the rest fell to the Roman state.

Destruction of Carthage.

But by far the larger portion of the city still remained standing. We may believe that Scipio desired its preservation; at least he addressed a special inquiry to the senate on the subject. Scipio Nasica once more attempted to gain a hearing for the demands of reason and honour; but in vain. The senate ordered the general to level the city of Carthage and the suburb of Magalia with the ground,

and to do the same with all the townships which had held by Carthage to the last; and thereafter to pass the plough over the site of Carthage so as to put an end in legal form to the existence of the city, and to curse the soil and site for ever, that neither house nor cornfield might ever reappear on the spot. The command was punctually obeyed. The ruins burned for seventeen days: recently, when the remains of the Carthaginian city wall were excavated, they were found to be covered with a layer of ashes from four to five feet deep, filled with half-charred pieces of wood, fragments of iron, and projectiles. Where the industrious Phoenicians had bustled and trafficked for five hundred years, Roman slaves henceforth pastured the herds of their distant masters. Scipio, however, whom nature had destined for a nobler part than that of an executioner, gazed with horror on his own work; and, instead of the joy of victory, the victor himself was haunted by a presentiment of the retribution that would inevitably follow such a misdeed.

Province of Africa.

There remained the work of arranging the future organization of the country. The earlier plan of investing the allies of Rome with the transmarine possessions that she acquired was no longer viewed with favour. Micipsa and his brothers retained in substance their former territory, including the districts recently wrested from the Carthaginians on the Bagradas and in Emporia; their long-cherished hope of obtaining Carthage as a capital was for ever frustrated; the senate presented them instead with the Carthaginian libraries. The Carthaginian territory as possessed by the city in its last days—viz. the narrow border of the African coast lying immediately opposite to Sicily, from the river Tusca (near Thabraca) to Thaenae (opposite to the island of Karkenah)—became a Roman province. In the interior, where the constant encroachments of Massinissa had more and more narrowed the

Carthaginian dominions and Bulla, Zama, and Aquae already belonged to the kings, the Numidians retained what they possessed. But the careful regulation of the boundary between the Roman province and the Numidian kingdom, which enclosed it on three sides, showed that Rome would by no means tolerate in reference to herself what she had permitted in reference to Carthage; while the name of the new province, Africa, on the other hand appeared to indicate that Rome did not at all regard the boundary now marked off as a definitive one. The supreme administration of the new province was entrusted to a Roman governor, who had his seat at Utica. Its frontier did not need any regular defence, as the allied Numidian kingdom everywhere separated it from the inhabitants of the desert. In the matter of taxes Rome dealt on the whole with moderation. Those communities which from the beginning of the war had taken part with Rome—viz. only the maritime towns of Utica, Hadrumetum, Little Leptis, Thapsus, Achulla, and Usalis, and the inland town of Theudalis—retained their territory and became free cities; which was also the case with the newly-founded community of deserters. The territory of the city of Carthage—with the exception of a tract presented to Utica—and that of the other destroyed townships became Roman domain-land, which was let on lease. The remaining townships likewise forfeited in law their property in the soil and their municipal liberties; but their land and their constitution were for the time being, and until further orders from the Roman government, left to them as a possession liable to be recalled, and the communities paid annually to Rome for the use of their soil which had become Roman a once-for-all fixed tribute (*stipendium*), which they in their turn collected by means of a property-tax levied from the individuals liable. The real gainers, however, by this destruction of the first commercial city of the west were

the Roman merchants, who, as soon as Carthage lay in ashes, flocked in troops to Utica, and from this as their head-quarters began to turn to profitable account not only the Roman province, but also the Numidian and Gaetulian regions which had hitherto been closed to them.

Macedonia and the pseudo-Philip.

Macedonia also disappeared about the same time as Carthage from the ranks of the nations. The four small confederacies, into which the wisdom of the Roman senate had parcelled out the ancient kingdom, could not live at peace either internally or one with another. How matters stood in the country appears from a single accidentally mentioned occurrence at Phacus, where the whole governing council of one of these confederacies were murdered on the instigation of one Damasippus. Neither the com-
164. missions sent by the senate (590), nor the foreign arbiters,
151. such as Scipio Aemilianus (603) called in after the Greek fashion by the Macedonians, were able to establish any tolerable order. Suddenly there appeared in Thrace a young man, who called himself Philip the son of king Perseus, whom he strikingly resembled, and of the Syrian Laodice. He had passed his youth in the Mysian town of Adramytium; there he asserted that he had preserved the sure proofs of his illustrious descent. With these he had, after a vain attempt to obtain recognition in his native country, resorted to Demetrius Soter, king of Syria, his mother's brother. There were in fact some who believed the Adramytene or professed to believe him, and urged the king either to reinstate the prince in his hereditary kingdom or to cede to him the crown of Syria; whereupon Demetrius, to put an end to the foolish proceedings, arrested the pretender and sent him to the Romans. But the senate attached so little importance to the man, that it confined him in an Italian town without taking steps to have him even seriously guarded. Thus he had escaped to Miletus, where the civic authorities once more seized

him and asked the Roman commissioners what they should do with the prisoner. The latter advised them to let him go; and they did so. He now tried his fortune further in Thrace; and, singularly enough, he obtained recognition and support there not only from Teres the chief of the Thracian barbarians, the husband of his father's sister, and Barsabas, but also from the prudent Byzantines. With Thracian support the so-called Philip invaded Macedonia, and, although he was defeated at first, he soon gained one victory over the Macedonian militia in the district of Odomantice beyond the Strymon, followed by a second on the west side of the river, which gave him possession of all Macedonia. Apocryphal as his story sounded, and decidedly as it was established that the real Philip, the son of Perseus, had died when eighteen years of age at Alba, and that this man, so far from being a Macedonian prince, was Andriscus a fuller of Adramytium, yet the Macedonians were too much accustomed to the rule of a king not to be readily satisfied on the point of legitimacy and to return with pleasure into the old track. Messengers arrived from the Thessalians, announcing that the pretender had advanced into their territory; the Roman commissioner Nasica, who, in the expectation that a word of earnest remonstrance would put an end to the foolish enterprise, had been sent by the senate to Macedonia without soldiers, was obliged to call out the Achaean and Pergamene troops and to protect Thessaly against the superior force by means of the Achaeans, as far as was practicable, till (605 ?) the praetor Juventius appeared with 149
a legion. The latter attacked the Macedonians with his small force; but he himself fell, his army was almost wholly destroyed, and the greater part of Thessaly fell into the power of the pseudo-Philip, who conducted his government there and in Macedonia with cruelty and arrogance. At length a stronger Roman army under Quintus Caecilius

Victory of Metellus.

Metellus appeared on the scene of conflict, and, supported by the Pergamene fleet, advanced into Macedonia. In the first cavalry combat the Macedonians retained the superiority; but soon dissensions and desertions occurred in the Macedonian army, and the blunder of the pretender in dividing his army and detaching half of it to Thessaly procured for the Romans an easy and decisive victory 148. (606). Philip fled to the chieftain Byzes in Thrace, whither Metellus followed him and after a second victory obtained his surrender.

Province of Macedonia.

The four Macedonian confederacies had not voluntarily submitted to the pretender, but had simply yielded to force. According to the policy hitherto pursued there was therefore no reason for depriving the Macedonians of the shadow of independence which the battle of Pydna had still left to them; nevertheless the kingdom of Alexander was now, by order of the senate, converted by Metellus into a Roman province. This case clearly showed that the Roman government had changed its system, and had resolved to substitute for the relation of clientship that of simple subjects; and accordingly the suppression of the four Macedonian confederacies was felt throughout the whole range of the client-states as a blow directed against all. The possessions in Epirus which were formerly after the first Roman victories detached from Macedonia—the Ionian islands and the ports of Apollonia and Epidamnus (ii. 218, 477), that had hitherto been under the jurisdiction of the Italian magistrates—were now reunited with Macedonia, so that the latter, probably as early as this period, reached on the north-west to a point beyond Scodra, where Illyria began. The protectorate which Rome claimed over Greece proper likewise devolved, of itself, on the new governor of Macedonia. Thus Macedonia recovered its unity and nearly the same limits which it had in its most flourishing times. It had

no longer, however, the unity of a kingdom, but that of a province, retaining its communal and even, as it would seem, its district organization, but placed under an Italian governor and quaestor, whose names make their appearance on the native coins along with the name of the country. As tribute, there was retained the old moderate land-tax, as Paullus had arranged it (ii. 509)—a sum of 100 talents (£24,000) which was allocated in fixed proportions on the several communities. Yet the land could not forget its old glorious dynasty. A few years after the subjugation of the pseudo-Philip another pretended son of Perseus, Alexander, raised the banner of insurrection on the Nestus (Karasu), and had in a short time collected 1600 men; but the quaestor Lucius Tremellius mastered the insurrection without difficulty and pursued the fugitive pretender as far as Dardania (612). This was the last 142.
movement of the proud national spirit of Macedonia, which two hundred years before had accomplished so great things in Hellas and Asia. Henceforward there is scarcely anything else to be told of the Macedonians, save that they continued to reckon their inglorious years from the date at which the country received its definitive provincial organization (608). 146.

Thenceforth the defence of the northern and eastern frontiers of Macedonia or, in other words, of the frontier of Hellenic civilization against the barbarians devolved on the Romans. It was conducted by them with inadequate forces and not, on the whole, with befitting energy; but with a primary view to this military object the great Egnatian highway was constructed, which as early as the time of Polybius ran from Apollonia and Dyrrhachium, the two chief ports on the west coast, across the interior to Thessalonica, and was afterwards prolonged to the Hebrus (Maritza).[1] The new province became the natural basis,

[1] This road was known already by the author of the pseudo-Aristotelian

on the one hand for the movements against the turbulent Dalmatians, and on the other hand for the numerous expeditions against the Illyrian, Celtic, and Thracian tribes settled to the north of the Grecian peninsula, which we shall afterwards have to exhibit in their historical connection.

Greece.

Greece proper had greater occasion than Macedonia to congratulate herself on the favour of the ruling power; and the Philhellenes of Rome might well be of opinion that the calamitous effects of the war with Perseus were disappearing, and that the state of things in general was improving there. The bitterest abettors of the now dominant party, Lyciscus the Aetolian, Mnasippus the Boeotian, Chrematas the Acarnanian, the infamous Epirot Charops whom honourable Romans forbade even to enter their houses, descended one after another to the grave; another generation grew up, in which the old recollections and the old antagonisms had faded. The Roman senate thought that the time for general forgiveness and oblivion had
150. come, and in 604 released the survivors of those Achaean patriots who had been confined for seventeen years in Italy, and whose liberation the Achaean diet had never ceased to demand. Nevertheless they were mistaken. How little the Romans with all their Philhellenism had been successful in heartily conciliating Hellenic patriotism, was nowhere more clearly apparent than in the attitude of the Greeks towards the Attalids. King Eumenes II. had been, as a friend of the Romans, extremely hated in Greece (ii. 494); but scarcely had a coldness arisen between him and the Romans, when he became suddenly popular

treatise *De Mirabilibus* as a commercial route between the Adriatic and Black seas, viz. as that along which the wine jars from Corcyra met halfway those from Thasos and Lesbos. Even now it runs substantially in the same direction from Durazzo, cutting through the mountains of Bagora (Candavian chain) near the lake of Ochrida (Lychnitis), by way of Monastir to Salonica.

in Greece, and the Hellenic hopefuls expected the deliverer from a foreign yoke to come now from Pergamus as formerly from Macedonia. Social disorganization more especially was visibly on the increase among the petty states of Hellas now left to themselves. The country became desolate not through war and pestilence, but through the daily increasing disinclination of the higher classes to trouble themselves with wife and children; on the other hand the criminal or the thoughtless flocked as hitherto chiefly to Greece, there to await the recruiting officer. The communities sank into daily deeper debt, and into financial dishonour and a corresponding want of credit: some cities, more especially Athens and Thebes, resorted in their financial distress to direct robbery, and plundered the neighbouring communities. The internal dissensions in the leagues also—*e.g.* between the voluntary and the compulsory members of the Achaean confederacy—were by no means composed. If the Romans, as seems to have been the case, believed what they wished and confided in the calm which for the moment prevailed, they were soon to learn that the younger generation in Hellas was in no respect better or wiser than the older. The Greeks directly sought an opportunity of picking a quarrel with the Romans.

Achaean war. [149.

In order to screen a foul transaction, Diaeus, the president of the Achaean league for the time being, about 605 threw out in the diet the assertion that the special privileges conceded by the Achaean league to the Lacedaemonians as members—viz. their exemption from the Achaean criminal jurisdiction, and the right to send separate embassies to Rome—were not at all guaranteed to them by the Romans. It was an audacious falsehood; but the diet naturally believed what it wished, and, when the Achaeans showed themselves ready to make good their assertions with arms in hand, the weaker Spartans yielded for the time, or, to

speak more correctly, those whose surrender was demanded by the Achaeans left the city to appear as complainants before the Roman senate. The senate answered as usual that it would send a commission to investigate the matter; but instead of reporting this reply the envoys stated in Achaia as well as in Sparta, and in both cases falsely, that the senate had decided in their favour. The Achaeans, who felt more than ever their equality with Rome as allies and their political importance on account of the aid which the league had just rendered in Thessaly against the pseudo-
148. Philip, advanced in 606 under their *strategus* Damocritus into Laconia: in vain a Roman embassy on its way to Asia, at the suggestion of Metellus, admonished them to keep the peace and to await the commissioners of the senate. A battle took place, in which nearly 1000 Spartans fell, and Sparta might have been taken if Damocritus had not been equally incapable as an officer and as a statesman. He was superseded, and his successor Diaeus, the instigator of all this mischief, zealously continued the war, while at the same time he gave to the dreaded commandant of Macedonia assurances of the full loyalty of the Achaean league. Thereupon the long-expected Roman commission made its appearance, with Aurelius Orestes at its head; hostilities were now suspended, and the Achaean diet assembled at Corinth to receive its communications. They were of an unexpected and far from agreeable character. The Romans had resolved to cancel the unnatural and forced (ii. 478) inclusion of Sparta among the Achaean states, and generally to act with vigour
146. against the Achaeans. Some years before (591) these had been obliged to release from their league the Aetolian town of Pleuron (ii. 478); now they were directed to renounce all the acquisitions which they had made since the second Macedonian war—viz. Corinth, Orchomenus, Argos, Sparta in the Peloponnesus, and Heraclea near to Oeta—and to reduce their league to the condition in which it stood at the

end of the Hannibalic war. When the Achaean deputies learned this, they rushed immediately to the market-place without even hearing the Romans to an end, and communicated the Roman demands to the multitude; whereupon the governing and the governed rabble with one voice resolved to arrest at once the whole Lacedaemonians present in Corinth, because Sparta forsooth had brought on them this misfortune. The arrest accordingly took place in the most tumultuary fashion, so that the possession of Laconian names or Laconian shoes appeared sufficient ground for imprisonment: in fact they even entered the dwellings of the Roman envoys to seize the Lacedaemonians who had taken shelter there, and hard words were uttered against the Romans, although they did not lay hands on their persons. The envoys returned home in indignation, and made bitter and even exaggerated complaints in the senate; but the latter, with the same moderation which marked all its measures against the Greeks, confined itself at first to representations. In the mildest form, and hardly mentioning satisfaction for the insults which they had endured, Sextus Julius Caesar repeated the commands of the Romans at the diet in Aegium (spring of 607). But the leaders of affairs in Achaia with 147.
the new *strategus* Critolaus at their head (*strategus* from May 607 to May 608), as men versed in state affairs and 147-146.
familiar with political arts, merely drew from that fact the inference that the position of Rome with reference to Carthage and Viriathus could not but be very unfavourable, and continued at once to cheat and to affront the Romans. Caesar was requested to arrange a conference of deputies of the contending parties at Tegea for the settlement of the question. He did so; but, after Caesar and the Lacedaemonian envoys had waited there long in vain for the Achaeans, Critolaus at last appeared alone and informed them that the general assembly of the Achaeans was solely competent in this matter, and that it could only be settled

at the diet or, in other words, in six months. Caesar thereupon returned to Rome; and the next national assembly of the Achaeans on the proposal of Critolaus formally declared war against Sparta. Even now Metellus made an attempt amicably to settle the quarrel, and sent envoys to Corinth; but the noisy *ecclesia*, consisting mostly of the populace of that wealthy commercial and manufacturing city, drowned the voice of the Roman envoys and compelled them to leave the platform. The declaration of Critolaus, that they wished the Romans to be their friends but not their masters, was received with inexpressible delight; and, when the members of the diet wished to interpose, the mob protected the man after its own heart, and applauded the sarcasms as to the high treason of the rich and the need of a military dictatorship as well as the mysterious hints regarding an impending insurrection of countless peoples and kings against Rome. The spirit animating the movement is shown by the two resolutions, that all clubs should be permanent and all actions for debt should be suspended till the restoration of peace.

The Achaeans thus had war; and they had even actual allies, namely the Thebans and Boeotians and also the
146. Chalcidians. At the beginning of 608 the Achaeans advanced into Thessaly to reduce to obedience Heraclea near to Oeta, which, in accordance with the decree of the senate, had detached itself from the Achaean league. The consul Lucius Mummius, whom the senate had resolved to send to Greece, had not yet arrived; accordingly Metellus undertook to protect Heraclea with the Macedonian legions. When the advance of the Romans was announced to the Achaeo-Theban army, there was no more talk of fighting; they deliberated only how they might best succeed in reaching once more the secure Peloponnesus; in all haste the army made off, and did not even attempt to hold the position at Thermopylae. But Metellus quickened the

pursuit, and overtook and defeated the Greek army near Scarpheia in Locris. The loss in prisoners and dead was considerable; Critolaus was never heard of after the battle. The remains of the defeated army wandered about Greece in single troops, and everywhere sought admission in vain; the division of Patrae was destroyed in Phocis, the Arcadian select corps at Chaeronea; all northern Greece was evacuated, and only a small portion of the Achaean army and of the citizens of Thebes, who fled in a body, reached the Peloponnesus. Metellus sought by the utmost moderation to induce the Greeks to abandon their senseless resistance, and gave orders, for example, that all the Thebans with a single exception, should be allowed their liberty; his well-meant endeavours were thwarted not by the energy of the people, but by the desperation of the leaders apprehensive for their own safety. Diaeus, who after the fall of Critolaus had resumed the chief command, summoned all men capable of bearing arms to the isthmus, and ordered 12,000 slaves, natives of Greece, to be enrolled in the army; the rich were applied to for advances, and the ranks of the friends of peace, so far as they did not purchase their lives by bribing the ruling agents in this reign of terror, were thinned by bloody prosecutions. The war accordingly was continued, and after the same style. The Achaean vanguard, which, 4000 strong, was stationed under Alcamenes at Megara, dispersed as soon as it saw the Roman standards. Metellus was just about to order an attack upon the main force on the isthmus, when the consul Lucius Mummius with a few attendants arrived at the Roman head-quarters and took the command. Meanwhile the Achaeans, emboldened by a successful attack on the too incautious Roman outposts, offered battle to the Roman army, which was about twice as strong, at Leucopetra on the isthmus. The Romans were not slow to accept it. At the very first the Achaean horsemen broke off *en masse* before the Roman

cavalry of six times their strength; the hoplites withstood the enemy till a flank attack by the Roman select corps brought confusion also into their ranks. This terminated the resistance. Diaeus fled to his home, put his wife to death, and took poison himself. All the cities submitted without opposition; and even the impregnable Corinth, into which Mummius for three days hesitated to enter because he feared an ambush, was occupied by the Romans without a blow.

Province of Achaia.

The renewed regulation of the affairs of Greece was entrusted to a commission of ten senators in concert with the consul Mummius, who left behind him on the whole a blessed memory in the conquered country. Doubtless it was, to say the least, a foolish thing in him to assume the name of "Achaicus" on account of his feats of war and victory, and to build in the fulness of his gratitude a temple to Hercules Victor; but, as he had not been reared in aristocratic luxury and aristocratic corruption but was a "new man" and comparatively without means, he showed himself an upright and indulgent administrator. The statement, that none of the Achaeans perished but Diaeus and none of the Boeotians but Pytheas, is a rhetorical exaggeration: in Chalcis especially sad outrages occurred; but yet on the whole moderation was observed in the infliction of penalties. Mummius rejected the proposal to throw down the statues of Philopoemen, the founder of the Achaean patriotic party; the fines imposed on the communities were destined not for the Roman exchequer, but for the injured Greek cities, and were mostly remitted afterwards; and the property of those traitors who had parents or children was not sold on public account, but handed over to their relatives. The works of art alone were carried away from Corinth, Thespiae, and other cities and were erected partly in the capital, partly in the country

towns of Italy:[1] several pieces were also presented to the Isthmian, Delphic, and Olympic temples. In the definitive organization of the country also moderation was in general displayed. It is true that, as was implied in the very introduction of the provincial constitution (ii. 210), the special confederacies, and the Achaean in particular, were as such dissolved; the communities were isolated; and intercourse between them was hampered by the rule that no one might acquire landed property simultaneously in two communities. Moreover, as Flamininus had already attempted (ii. 441), the democratic constitutions of the towns were altogether set aside, and the government in each community was placed in the hands of a council composed of the wealthy. A fixed land-tax to be paid to Rome was imposed on each community; and they were all subordinated to the governor of Macedonia in such a manner that the latter, as supreme military chief, exercised a superintendence over administration and justice, and could, for example, personally assume the decision of the more important criminal processes. Yet the Greek communities retained "freedom," that is, a formal sovereignty—reduced, doubtless, by the Roman hegemony to a name—which involved the property of the soil and the right to a distinct administration and jurisdiction of their own.[2] Some years later not only were the old

[1] At Sabine townships, at Parma, and even at Italica in Spain (p. 214), several pediments marked with the name of Mummius have been brought to light, which once supported gifts forming part of the spoil.

[2] The question whether Greece did or did not become a Roman province in 608, virtually runs into a dispute about words. It is certain 146.
that the Greek communities throughout remained "free" (*C. I. Gr.* 1543, 15; Caesar, *B. C.* iii. 5; Appian, *Mithr.* 58; Zonar. ix. 31). But it is no less certain that Greece was then "taken possession of" by the Romans (Tac. *Ann.* xiv. 21; 1 Maccab. viii. 9, 10); that thenceforth each community paid a fixed tribute to Rome (Pausan. vii. 16, 6; comp. Cic. *De Prov. Cons.* 3, 5), the little island of Gyarus, for instance, paying 150 *drachmae* annually (Strabo, x. 485); that the "rods and axes" of the Roman governor thenceforth ruled in Greece (Polyb. xxxviii. 1 *c.*; comp. Cic. *Verr. I.* i. 21, 55), and that he thenceforth exercised the superintendence over the constitutions of the cities (*C. I. Gr.* 1543), as well as in certain cases the criminal jurisdiction (*C. I. Gr.* 1543; Plut. *Cim.* 2), just

confederacies again allowed to have a shadowy existence, but the oppressive restriction on the alienation of landed property was removed.

Destruction of Corinth.

The communities of Thebes, Chalcis, and Corinth experienced a treatment more severe. There is no ground for censure in the fact that the two former were disarmed and converted by the demolition of their walls into open villages; but the wholly uncalled-for destruction of the flourishing Corinth, the first commercial city in Greece, remains a dark stain on the annals of Rome. By express orders from the senate the Corinthian citizens were seized, and such as were not killed were sold into slavery; the city itself was not only deprived of its walls and its citadel—a measure which,

as the senate had hitherto done; and that, lastly, the Macedonian provincial era was also in use in Greece. Between these facts there is no inconsistency, or at any rate none further than is involved in the position of the free cities generally, which are spoken of sometimes as if excluded from the province (*e.g.* Sueton. *Caes.*, 25; Colum. xi. 3, 26), sometimes as assigned to it (*e.g.* Joseph. *Ant. Jud.* xiv. 4, 4). The Roman domanial possessions in Greece were, no doubt, restricted to the territory of Corinth and possibly some portions of Euboea (*C. I. Gr.* 5879), and there were no subjects in the strict sense there at all; yet if we look to the relations practically subsisting between the Greek communities and the Macedonian governor, Greece may be reckoned as included in the province of Macedonia in the same manner as Massilia in the province of Narbo or Dyrrhachium in that of Macedonia. We find even cases that go much
89. further: Cisalpine Gaul consisted after 665 of mere burgess or Latin communities and was yet made a province by Sulla, and in the time of Caesar we meet with regions which consisted exclusively of burgess-communities and yet by no means ceased to be provinces. In these cases the fundamental idea of the Roman *provincia* comes out very clearly; it was primarily nothing but a "command," and all the administrative and judicial functions of the commandant were originally collateral duties and corollaries of his military position.

On the other hand, if we look to the formal sovereignty of the free communities, it must be granted that the position of Greece was not altered in
146. point of constitutional law by the events of 608. It was a difference *de facto* rather than *de jure*, when instead of the Achaean league the individual communities of Achaia now appeared by the side of Rome as tributary protected states, and when, after the erection of Macedonia as a separate Roman province, the latter relieved the authorities of the capital of the superintendence over the Greek client-states. Greece therefore may or may not be regarded as a part of the "command" of Macedonia, according as the practical or the formal point of view preponderates; but the preponderance is justly conceded to the former.

if the Romans were not disposed permanently to garrison it, was certainly inevitable—but was levelled with the ground, and all rebuilding on the desolate site was prohibited in the usual forms of accursing; part of its territory was given to Sicyon under the obligation that the latter should defray the costs of the Isthmian national festival in room of Corinth, but the greater portion was declared to be public land of Rome. Thus was extinguished "the eye of Hellas," the last precious ornament of the Grecian land, once so rich in cities. If, however, we review the whole catastrophe, the impartial historian must acknowledge—what the Greeks of this period themselves candidly confessed—that the Romans were not to blame for the war itself, but that on the contrary the foolish perfidy and the feeble temerity of the Greeks compelled the Roman intervention. The abolition of the mock sovereignty of the leagues and of all the vague and pernicious dreams connected with them was a blessing for the country; and the government of the Roman commander-in-chief of Macedonia, however much it fell short of what was to be wished, was yet far better than the previous confusion and misrule of Greek confederacies and Roman commissions. The Peloponnesus ceased to be the great harbour of mercenaries; it is affirmed, and may readily be believed, that with the direct government of Rome security and prosperity in some measure returned. The epigram of Themistocles, that ruin had averted ruin, was applied by the Hellenes of that day not altogether without reason to the loss of Greek independence. The singular indulgence, which Rome even now showed towards the Greeks, becomes fully apparent only when compared with the contemporary conduct of the same authorities towards the Spaniards and Phoenicians. To treat barbarians with cruelty seemed not unallowable, but the Romans of this period, like the emperor Trajan in later times, deemed it "harsh and barbarous to deprive Athens and Sparta of the shadow of

freedom which they still retained." All the more marked is the contrast between this general moderation and the revolting treatment of Corinth—a treatment disapproved by the orators who defended the destruction of Numantia and Carthage, and far from justified, even according to Roman international law, by the abusive language uttered against the Roman deputies in the streets of Corinth. And yet it by no means proceeded from the brutality of any single individual, least of all of Mummius, but was a measure deliberated and resolved on by the Roman senate. We shall not err, if we recognize it as the work of the mercantile party, which even thus early began to interfere in politics by the side of the aristocracy proper, and which in destroying Corinth got rid of a commercial rival. If the great merchants of Rome had anything to say in the regulation of Greece, we can understand why Corinth was singled out for punishment, and why the Romans not only destroyed the city as it stood, but also prohibited any future settlement on a site so pre-eminently favourable for commerce. The Peloponnesian Argos thenceforth became the rendezvous for the Roman merchants, who were very numerous even in Greece. For the Roman wholesale traffic, however, Delos was
168. of greater importance; a Roman free port as early as 586, it had attracted a great part of the business of Rhodes (ii. 515), and now in a similar way entered on the heritage of Corinth. This island remained for a considerable time the chief emporium for merchandise going from the east to the west.[1]

Asia. In the third and more distant continent the Roman dominion exhibited a development more imperfect than in

[1] A remarkable proof of this is found in the names employed to designate the fine bronze and copper wares of Greece, which in the time of Cicero were called indiscriminately "Corinthian" or "Delian" copper. Their designation in Italy was naturally derived not from the places of manufacture but from those of export (Plin. *H. N.* xxxiv. 2, 9); although, of course, we do not mean to deny that similar vases were manufactured in Corinth and Delos themselves.

the African and Macedono-Hellenic countries, which were separated from Italy only by narrow seas.

In Asia Minor, after the Seleucids were driven back, the kingdom of Pergamus had become the first power. Not led astray by the traditions of the Alexandrine monarchies, but sagacious and dispassionate enough to renounce what was impossible, the Attalids kept quiet; and endeavoured not to extend their bounds nor to withdraw from the Roman hegemony, but to promote the prosperity of their empire, so far as the Romans allowed, and to foster the arts of peace. Nevertheless they did not escape the jealousy and suspicion of Rome. In possession of the European shore of the Propontis, of the west coast of Asia Minor, and of its interior as far as the Cappadocian and Cilician frontiers, and in close connection with the Syrian kings—one of whom, Antiochus Epiphanes († 590), had ascended the throne by the aid of the Attalids—king Eumenes II. had by his power, which seemed still more considerable from the more and more deep decline of Macedonia and Syria, instilled apprehension in the minds even of its founders. We have already related (ii. 511) how the senate sought to humble and weaken this ally after the third Macedonian war by unbecoming diplomatic arts. The relations—perplexing from the very nature of the case—of the rulers of Pergamus towards the free or half-free commercial cities within their kingdom, and towards their barbarous neighbours on its borders, became complicated still more painfully by this ill humour on the part of their patrons. As it was not clear whether, according to the treaty of peace in 565, the heights of the Taurus in Pamphylia and Pisidia belonged to the kingdom of Syria or to that of Pergamus (ii. 474), the brave Selgians, nominally recognizing, as it would seem, the Syrian supremacy, made a prolonged and energetic resistance to the kings Eumenes II. and Attalus II. in the hardly accessible mountains of

Kingdom of Pergamus.

164.

189.

Pisidia. The Asiatic Celts also, who for a time with the permission of the Romans had yielded allegiance to Pergamus, revolted from Eumenes and, in concert with Prusias king of Bithynia the hereditary enemy of the
167. Attalids, suddenly began war against him about 587. The king had had no time to hire mercenary troops; all his skill and valour could not prevent the Celts from defeating the Asiatic militia and overrunning his territory; the peculiar mediation, to which the Romans condescended at the request of Eumenes, has already been mentioned (ii. 512) But, as soon as he had found time with the help of his well-filled exchequer to raise an army capable of taking the field, he speedily drove the wild hordes back over the frontier, and, although Galatia remained lost to him, and his obstinately-continued attempts to maintain his footing there were frustrated by Roman influence,[1] he yet, in spite of all the open attacks and secret machinations which his neighbours and the Romans directed against him, at his

[1] Several letters recently brought to light (*Münchener Sitzungsberichte*, 1860, p. 180 *et seq.*) from the kings Eumenes II. and Attalus II. to the priest of Pessinus, who was uniformly called Attis (comp. Polyb. xxii. 20), very clearly illustrate these relations. The earliest of these and the only one with a date, written in the 34th year of the reign of Eumenes on the
164-163. 7th day before the end of Gorpiaeus, and therefore in 590–1 U. C., offers to the priest military aid in order to wrest from the Pesongi (not otherwise known) temple-land occupied by them. The following, likewise from Eumenes, exhibits the king as a party in the feud between the priest of Pessinus and his brother Aiorix. Beyond doubt both acts of Eumenes
164. were included among those which were reported at Rome in 590 *et seq.* as attempts on his part to interfere further in Gallic affairs, and to support his partisans in that quarter (Polyb. xxxi. 6, 9; xxxii. 3, 5). On the other hand it is plain from one of the letters of his successor Attalus that the times had changed and his wishes had lowered their tone. The priest Attis appears to have at a conference at Apamea obtained once more from Attalus the promise of armed assistance; but afterwards the king writes to him that in a state council held for the purpose, at which Athenaeus (certainly the known brother of the king), Sosander, Menogenes, Chlorus, and other relatives (*ἀναγκαῖοι*) had been present, after long hesitation the majority had at length acceded to the opinion of Chlorus that nothing should be done without previously consulting the Romans; for, even if a success were obtained, they would expose themselves to its being lost again, and to the evil suspicion "which they had cherished also against his brother" (Eumenes II.).

death (about 595) left his kingdom in standing un- 159.
diminished. His brother Attalus II. Philadelphus († 616) 138.
with Roman aid repelled the attempt of Pharnaces king of Pontus to seize the guardianship of Eumenes' son who was a minor, and reigned in the room of his nephew, like Antigonus Doson, as guardian for life. Adroit, able, pliant, a genuine Attalid, he had the art to convince the suspicious senate that the apprehensions which it had formerly cherished were baseless. The anti-Roman party accused him of having to do with keeping the land for the Romans, and of acquiescing in every insult and exaction at their hands; but, sure of Roman protection, he was able to interfere decisively in the disputes as to the succession to the throne in Syria, Cappadocia, and Bithynia. Even from the dangerous Bithynian war, which king Prusias II., surnamed the Hunter (572?–605), a ruler who combined 182-149.
in his own person all the vices of barbarism and of civilization, began against him, Roman intervention saved him—although not until he had been himself besieged in his capital, and a first warning given by the Romans had remained unattended to, and had even been scoffed at, by Prusias (598–600). But, when his ward Attalus III. 156-154.
Philometor ascended the throne (616–621), the peaceful 138-133.
and moderate rule of the citizen kings was replaced by the tyranny of an Asiatic sultan; under which for instance, the king, with a view to rid himself of the inconvenient counsel of his father's friends, assembled them in the palace, and ordered his mercenaries to put to death first them, and then their wives and children. Along with such recreations he wrote treatises on gardening, reared poisonous plants, and prepared wax models, till a sudden death carried him off.

With him the house of the Attalids became extinct. In Province of Asia.
such an event, according to the constitutional law which held good at least for the client-states of Rome, the last

ruler might dispose of the succession by testament. Whether it was the insane rancour against his subjects which had tormented the last Attalid during life that now suggested to him the thought of bequeathing his kingdom by will to the Romans, or whether his doing so was merely a further recognition of the practical supremacy of Rome, cannot be determined. The testament was made;[1] the Romans accepted the bequest, and the question as to the land and the treasure of the Attalids threw a new apple of contention among the conflicting political parties in Rome.

War against Aristonicus.

In Asia also this royal testament kindled a civil war. Relying on the aversion of the Asiatics to the foreign rule which awaited them, Aristonicus, a natural son of Eumenes II., made his appearance in Leucae, a small seaport between Smyrna and Phocaea, as a pretender to the crown. Phocaea and other towns joined him, but he was defeated at sea off Cyme by the Ephesians—who saw that a steady adherence to Rome was the only possible way of preserving their privileges—and was obliged to flee into the interior. The movement was believed to have died away when he suddenly reappeared at the head of the new "citizens of the city of the sun,"[2] in other words, of the slaves whom he

[1] In the same testament the king gave to his city Pergamus "freedom," that is the *δημοκρατία*, urban self-government. According to the tenor of a remarkable document that has recently been found there (*Staatsrecht*, iii[2]. p. 726) after the testament was opened, but before its confirmation by the Romans, the Demos thus constituted resolved to confer urban burgess-rights on the classes of the population hitherto excluded from them, especially on the *paroeci* entered in the census and on the soldiers dwelling in town and country, including the Macedonians, in order thus to bring about a good understanding among the whole population. Evidently the burgesses, in confronting the Romans with this comprehensive reconciliation as an accomplished fact, desired, before the Roman rule was properly introduced, to prepare themselves against it and to take away from the foreign rulers the possibility of using the differences of rights within the population for breaking up its municipal freedom.

[2] These strange "Heliopolites" may, according to the probable opinion which a friend has expressed to me, be accounted for by supposing that the liberated slaves constituted themselves citizens of a town Heliopolis—not otherwise mentioned or perhaps having an existence merely in imagination

had called to freedom *en masse*, mastered the Lydian towns of Thyatira and Apollonis as well as a portion of the Attalic townships, and summoned bands of Thracian free-lances to join his standard. The struggle was serious. There were no Roman troops in Asia; the Asiatic free cities and the contingents of the client-princes of Bithynia, Paphlagonia, Cappadocia, Pontus, Armenia, could not withstand the pretender; he penetrated by force of arms into Colophon, Samos, and Myndus, and already ruled over almost all his father's kingdom, when at the close of 623 a Roman army 131.
landed in Asia. Its commander, the consul and *pontifex maximus* Publius Licinius Crassus Mucianus, one of the wealthiest and at the same time one of the most cultivated men in Rome, equally distinguished as an orator and as a jurist, was about to besiege the pretender in Leucae, but during his preparations for that purpose allowed himself to be surprised and defeated by his too-much-underrated opponent, and was made a prisoner in person by a Thracian band. But he did not allow such an enemy the triumph of exhibiting the Roman commander-in-chief as a captive; he provoked the barbarians, who had captured him without knowing who he was, to put him to death (beginning of 624), and the consular was only recognised when a corpse. 130.
With him, as it would seem, fell Ariarathes king of Cappadocia. But not long after this victory Aristonicus was attacked by Marcus Perpenna, the successor of Crassus; his army was dispersed, he himself was besieged and taken prisoner in Stratonicea, and was soon afterwards executed in Rome. The subjugation of the last towns that still offered resistance and the definitive regulation of the country were committed, after the sudden death of Perpenna, to Manius Aquillius (625). The same policy 129.
was followed as in the case of the Carthaginian territory.

for the moment—which derived its name from the God of the Sun so highly honoured in Syria.

The eastern portion of the kingdom of the Attalids was assigned to the client kings, so as to release the Romans from the protection of the frontier and thereby from the necessity of maintaining a standing force in Asia; Telmissus (ii. 474) went to the Lycian confederacy; the European possessions in Thrace were annexed to the province of Macedonia; the rest of the territory was organized as a new Roman province, which like that of Carthage was, not without design, designated by the name of the continent in which it lay. The land was released from the taxes which had been paid to Pergamus; and it was treated with the same moderation as Hellas and Macedonia. Thus the most considerable state in Asia Minor became a Roman province.

Western Asia.

The numerous other small states and cities of western Asia—the kingdom of Bithynia, the Paphlagonian and Gallic principalities, the Lycian and Pamphylian confederacies, the free cities of Cyzicus and Rhodes—continued in their former circumscribed relations.

Cappadocia. 163-130.

Beyond the Halys Cappadocia—after king Ariarathes V. Philopator (591-624) had, chiefly by the aid of the Attalids, held his ground against his brother and rival Holophernes who was supported by Syria—followed substantially the Pergamene policy, as respected both absolute devotion to Rome and the tendency to adopt Hellenic culture. He was the means of introducing that culture into the hitherto almost barbarous Cappadocia, and along with it its extravagancies also, such as the worship of Bacchus and the dissolute practices of the bands of wandering actors—the "artists" as they were called. In reward for the fidelity to Rome, which had cost this prince his life in the struggle with the Pergamene pretender, his youthful heir Ariarathes VI. was not only protected by the Romans against the usurpation attempted by the king of Pontus, but received also the south-eastern part of the kingdom of the Attalids,

Lycaonia, along with the district bordering on it to the eastward reckoned in earlier times as part of Cilicia.

In the remote north-east of Asia Minor "Cappadocia on the sea," or more briefly the "sea-state," Pontus, increased in extent and importance. Not long after the battle of Magnesia king Pharnaces I. had extended his dominion far beyond the Halys to Tius on the frontier of Bithynia, and in particular had possessed himself of the rich Sinope, which was converted from a Greek free city into the residence of the kings of Pontus. It is true that the neighbouring states endangered by these encroachments, with king Eumenes II. at their head, had on that account waged war against him (571–575), and under Roman mediation had exacted from him a promise to evacuate Galatia and Paphlagonia; but the course of events shows that Pharnaces as well as his successor Mithradates V. Euergetes (598?–634), faithful allies of Rome in the third Punic war as well as in the struggle with Aristonicus, not only remained in possession beyond the Halys, but also in substance retained the protectorate over the Paphlagonian and Galatian dynasts. It is only on this hypothesis that we can explain how Mithradates, ostensibly for his brave deeds in the war against Aristonicus, but in reality for considerable sums paid to the Roman general, could receive Great Phrygia from the latter after the dissolution of the Attalid kingdom. How far on the other hand the kingdom of Pontus about this time extended in the direction of the Caucasus and the sources of the Euphrates, cannot be precisely determined; but it seems to have embraced the western part of Armenia about Enderes and Divirigi, or what was called Lesser Armenia, as a dependent satrapy, while the Greater Armenia and Sophene formed distinct and independent kingdoms.

Pontus. 183-179. 156-120.

While in the peninsula of Asia Minor Rome thus substantially conducted the government and, although much

Syria and Egypt.

was done without or in opposition to her wishes, yet determined on the whole the state of possession, the wide tracts on the other hand beyond the Taurus and the Upper Euphrates as far down as the valley of the Nile continued to be mainly left to themselves. No doubt the principle which
189. formed the basis of the regulation of Oriental affairs in 565, viz. that the Halys should form the eastern boundary of the Roman client-states (ii. 475), was not adhered to by the senate and was in its very nature untenable. The political horizon is a self-deception as well as the physical; if the state of Syria had the number of ships of war and war-elephants allowed to it prescribed in the treaty of peace (ii. 475), and if the Syrian army at the bidding of the Roman senate evacuated Egypt when half-won (ii. 516), these things implied a complete recognition of hegemony and of clientship. Accordingly the disputes as to the throne in Syria and in Egypt were referred for settlement to the Roman government. In the former after the death of
164. Antiochus Epiphanes (590) Demetrius afterwards named Soter, the son of Seleucus IV., living as a hostage at Rome, and Antiochus Eupator, a minor, the son of the last king Antiochus Epiphanes, contended for the crown; in the
181-146. latter Ptolemy Philometor (573–608), the elder of the two
170. brothers who had reigned jointly since 584, had been driven
164. from the country (590) by the younger Ptolemy Euergetes
117. II. or the Fat († 637), and had appeared in person at Rome to procure his restoration. Both affairs were arranged by the senate entirely through diplomatic agency, and substantially in accordance with Roman advantage. In Syria Demetrius, who had the better title, was set aside, and Antiochus Eupator was recognized as king; while the guardianship of the royal boy was entrusted by the senate to the Roman senator Gnaeus Octavius, who, as was to be expected, governed thoroughly in the interest of Rome, reduced the war-marine and the army of elephants agree-

ably to the treaty of 565, and was in the fair way of com- 189.
pleting the military ruin of the country. In Egypt not only was the restoration of Philometor accomplished, but —partly in order to put an end to the quarrel between the brothers, partly in order to weaken the still considerable power of Egypt—Cyrene was separated from that kingdom and assigned as a provision for Euergetes. "The Romans make kings of those whom they wish," a Jew wrote not long after this, "and those whom they do not wish they chase away from land and people." But this was the last occasion— for a long time—on which the Roman senate came forward in the affairs of the east with that ability and energy, which it had uniformly displayed in the complications with Philip, Antiochus, and Perseus. Though the internal decline of the government was late in affecting the treatment of foreign affairs, yet it did affect them at length. The government became unsteady and vacillating; they allowed the reins which they had just grasped to slacken and almost to slip from their hands. The guardian-regent of Syria was murdered at Laodicea; the rejected pretender Demetrius escaped from Rome and, setting aside the youthful prince, seized the government of his ancestral kingdom under the bold pretext that the Roman senate had fully empowered him to do so (592). Soon afterwards war broke out between 162.
the kings of Egypt and Cyrene respecting the possession of the island of Cyprus, which the senate had assigned first to the elder, then to the younger; and in opposition to the most recent Roman decision it finally remained with Egypt. Thus the Roman government, in the plenitude of its power and during the most profound inward and outward peace at home, had its decrees derided by the impotent kings of the east; its name was misused, its ward and its commissioner were murdered. Seventy years before, when the Illyrians had in a similar way laid hands on Roman envoys, the senate of that day had erected a

monument to the victim in the market-place, and had with an army and fleet called the murderers to account. The senate of this period likewise ordered a monument to be raised to Gnaeus Octavius, as ancestral custom prescribed; but instead of embarking troops for Syria they recognized Demetrius as king of the land. They were forsooth now so powerful, that it seemed superfluous to guard their own honour. In like manner not only was Cyprus retained by Egypt in spite of the decree of the senate to the contrary,
146. but, when after the death of Philometor (608) Euergetes succeeded him and so reunited the divided kingdom, the senate allowed this also to take place without opposition.

India. Bactria.

After such occurrences the Roman influence in these countries was practically shattered, and events pursued their course there for the present without the help of the Romans; but it is necessary for the right understanding of the sequel that we should not wholly omit to notice the history of the nearer, and even of the more remote, east. While in Egypt, shut off as it is on all sides, the *status quo* did not so easily admit of change, in Asia both to the west and east of the Euphrates the peoples and states underwent essential modifications during, and partly in consequence of, this temporary suspension of the Roman superintendence. Beyond the great desert of Iran there had arisen not long after Alexander the Great the kingdom of Palimbothra under Chandragupta (Sandracottus) on the Indus, and the powerful Bactrian state on the upper Oxus, both formed from a mixture of national elements with the most eastern offshoots of Hellenic civilization.

Decline of the kingdom of Asia.

To the west of these began the kingdom of Asia, which, although diminished under Antiochus the Great, still stretched its unwieldy bulk from the Hellespont to the Median and Persian provinces, and embraced the whole basin of the Euphrates and Tigris. That king had still carried his arms beyond the desert into the territory of the Parthians

and Bactrians; it was only under him that the vast state had begun to melt away. Not only had western Asia been lost in consequence of the battle of Magnesia; the total emancipation of the two Cappadocias and the two Armenias —Armenia proper in the north-east and the region of Sophene in the south-west—and their conversion from principalities dependent on Syria into independent kingdoms also belong to this period (ii. 473). Of these states Great Armenia in particular, under the Artaxiads, soon attained to a considerable position. Wounds perhaps still more dangerous were inflicted on the empire by the foolish levelling policy of his successor Antiochus Epiphanes (579–590). Although it was true that his kingdom 175-164.
resembled an aggregation of countries rather than a single state, and that the differences of nationality and religion among his subjects placed the most material obstacles in the way of the government, yet the plan of introducing throughout his dominions Helleno-Roman manners and Helleno-Roman worship and of equalizing the various peoples in a political as well as a religious point of view was under any circumstances a folly; and all the more so from the fact, that this caricature of Joseph II. was personally far from equal to so gigantic an enterprise, and introduced his reforms in the very worst way by the pillage of temples on the greatest scale and the most insane persecution of heretics.

One consequence of this policy was, that the inhabitants The Jews.
of the province next to the Egyptian frontier, the Jews, a people formerly submissive even to humility and extremely active and industrious, were driven by systematic religious persecution to open revolt (about 587). The matter came 167.
to the senate; and, as it was just at that time with good reason indignant at Demetrius Soter and apprehensive of a combination between the Attalids and Seleucids, while the establishment of a power intermediate between Syria and

Egypt was at any rate for the interest of Rome, it made no difficulty in at once recognizing the freedom and autonomy
161. of the insurgent nation (about 593). Nothing, however, was done by Rome for the Jews except what could be done without personal exertion: in spite of the clause of the treaty concluded between the Romans and the Jews which promised Roman aid to the latter in the event of their being attacked, and in spite of the injunction addressed to the kings of Syria and Egypt not to march their troops through Judaea, it was of course entirely left to the Jews themselves to hold their ground against the Syrian kings. The brave and prudent conduct of the insurrection by the heroic family of the Maccabees and the internal dissension in the Syrian empire did more for them than the letters of their powerful allies; during the strife between the Syrian kings Trypho and Demetrius Nicator autonomy and exemption from tribute were formally accorded to the
142. Jews (612); and soon afterwards the head of the Maccabaean house, Simon son of Mattathias, was even formally acknowledged by the nation as well as by the Syrian great-
139. king as high priest and prince of Israel (615).[1]

The Parthian empire.

Of still more importance in the sequel than this insurrection of the Israelites was the contemporary movement—probably originating from the same cause—in the eastern provinces, where Antiochus Epiphanes emptied the temples of the Persian gods just as he had emptied that at Jerusalem, and doubtless accorded no better treatment there to the adherents of Ahuramazda and Mithra than here to those of Jehovah. Just as in Judaea—only with a wider range and ampler proportions—the result was a reaction on the part of the native manners and the native religion against

[1] From him proceed the coins with the inscription "Shekel Israel," and the date of the "holy Jerusalem," or the "deliverance of Sion." The similar coins with the name of Simon, the prince (Nessi) of Israel, belong not to him, but to Bar-Cochba the leader of the insurgents in the time of Hadrian.

Hellenism and the Hellenic gods; the promoters of this movement were the Parthians, and out of it arose the great Parthian empire. The "Parthwa," or Parthians, who are early met with as one of the numerous peoples merged in the great Persian empire, at first in the modern Khorasan to the south-east of the Caspian sea, appear after 500 under the Scythian, *i.e.* Turanian, princely race of the Arsacids as an independent state; which, however, only emerged from its obscurity about a century afterwards. The sixth Arsaces, Mithradates I. (579?–618?), was the real founder of the Parthian as a great power. To him succumbed the Bactrian empire, in itself far more powerful, but already shaken to the very foundation partly by hostilities with the hordes of Scythian horsemen from Turan and with the states of the Indus, partly by internal disorders. He achieved almost equal successes in the countries to the west of the great desert. The Syrian empire was just then in the utmost disorganization, partly through the failure of the Hellenizing attempts of Antiochus Epiphanes, partly through the troubles as to the succession that occurred after his death; and the provinces of the interior were in full course of breaking off from Antioch and the region of the coast. In Commagene for instance, the most northerly province of Syria on the Cappadocian frontier, the satrap Ptolemaeus asserted his independence, as did also on the opposite bank of the Euphrates the prince of Edessa in northern Mesopotamia or the province of Osrhoene, and the satrap Timarchus in the important province of Media; in fact the latter got his independence confirmed by the Roman senate, and, supported by Armenia as his ally, ruled as far down as Seleucia on the Tigris. Disorders of this sort were permanent features of the Asiatic empire: the provinces under their partially or wholly independent satraps were in continual revolt, as was also the capital with its unruly and refractory populace resembling that of Rome or Alexandria. The

250.

175-136.

whole pack of neighbouring kings—those of Egypt, Armenia, Cappadocia, Pergamus—incessantly interfered in the affairs of Syria and fostered disputes as to the succession, so that civil war and the division of the sovereignty *de facto* among two or more pretenders became almost standing calamities of the country. The Roman protecting power, if it did not instigate these neighbours, was an inactive spectator. In addition to all this the new Parthian empire from the eastward pressed hard on the aliens not merely with its material power, but with the whole superiority of its national language and religion and of its national military and political organization. This is not yet the place for a description of this regenerated empire of Cyrus; it is sufficient to mention generally the fact that powerful as was the influence of Hellenism in its composition, the Parthian state, as compared with that of the Seleucids, was based on a national and religious reaction, and that the old Iranian language, the order of the Magi and the worship of Mithra, the Oriental feudatory system, the cavalry of the desert and the bow and arrow, first emerged there in renewed and superior opposition to Hellenism. The position of the imperial kings in presence of all this was really pitiable. The family of the Seleucids was by no means so enervated as that of the Lagids for instance, and individuals among them were not deficient in valour and ability; they reduced, it may be, one or another of those numerous rebels, pretenders, and intermeddlers to due bounds; but their dominion was so lacking in a firm foundation, that they were unable to impose even a temporary check on anarchy. The result was inevitable. The eastern provinces of Syria under their unprotected or even insurgent satraps fell into subjection to the Parthians; Persia, Babylonia, Media were for ever severed from the Syrian empire; the new state of the Parthians reached on both sides of the great desert from the Oxus and the Hindoo Coosh to the Tigris and the

Arabian desert—once more, like the Persian empire and all the older great states of Asia, a pure continental monarchy, and once more, just like the Persian empire, engaged in perpetual feud on the one side with the peoples of Turan, on the other with the Occidentals. The Syrian state embraced at the most Mesopotamia in addition to the region of the coast, and disappeared, more in consequence of its internal disorganization than of its diminished size, for ever from the ranks of the great states. If the danger—which was repeatedly imminent—of a total subjugation of the land by the Parthians was averted, that result must be ascribed not to the resistance of the last Seleucids and still less to the influence of Rome, but rather to the manifold internal disturbances in the Parthian empire itself, and above all to the incursions of the peoples of the Turanian steppes into its eastern provinces.

Reaction of the East against the West.

This revolution in the relations of the peoples in the interior of Asia is the turning-point in the history of antiquity. The tide of national movement, which had hitherto poured from the west to the east and had found in Alexander the Great its last and highest expression, was followed by the ebb. On the establishment of the Parthian state not only were such Hellenic elements, as may still perhaps have been preserved in Bactria and on the Indus, lost, but western Iran also relapsed into the track which had been abandoned for centuries but was not yet obliterated. The Roman senate sacrificed the first essential result of the policy of Alexander, and thereby paved the way for that retrograde movement, whose last offshoots ended in the Alhambra of Granada and in the great Mosque of Constantinople. So long as the country from Ragae and Persepolis to the Mediterranean obeyed the king of Antioch, the power of Rome extended to the border of the great desert; the Parthian state could never take its place among the dependencies of the Mediterranean

empire, not because it was so very powerful, but because it had its centre far from the coast, in the interior of Asia. Since the time of Alexander the world had obeyed the Occidentals alone, and the east seemed to be for these merely what America and Australia afterwards became for the Europeans; with Mithradates I. the east re-entered the sphere of political movement. The world had again two masters.

Maritime relations.

It remains that we glance at the maritime relations of this period; although there is hardly anything else to be said, than that there no longer existed anywhere a naval power. Carthage was annihilated; the war-fleet of Syria was destroyed in accordance with the treaty; the war-marine of Egypt, once so powerful, was under its present indolent rulers in deep decay. The minor states, and particularly the mercantile cities, had doubtless some armed transports; but these were not even adequate for the task —so difficult in the Mediterranean—of repressing piracy. This task necessarily devolved on Rome as the leading power in the Mediterranean. While a century previously the Romans had come forward in this matter with especial and salutary decision, and had in particular introduced their supremacy in the east by a maritime police energetically handled for the general good (ii. 216), the complete nullity of this police at the very beginning of this period as distinctly betokens the fearfully rapid decline of the aristocratic government. Rome no longer possessed a fleet of her own; she was content to make requisitions for ships, when it seemed necessary, from the maritime towns of Italy, Asia Minor, and elsewhere. The consequence naturally was, that buccaneering became organized and consolidated. Something, perhaps, though not enough, was done towards its suppression, so far as the direct power of the Romans extended, in the Adriatic and Tyrrhene seas. The expeditions directed against the

Piracy.

Dalmatian and Ligurian coasts at this epoch aimed especially at the suppression of piracy in the two Italian seas; for the same reason the Balearic islands were occupied in 631 (p. 233). But in the Mauretanian and 123.
Greek waters the inhabitants along the coast and the mariners were left to settle matters with the corsairs in one way or another, as they best could; for Roman policy adhered to the principle of troubling itself as little as possible about these more remote regions. The disorganized and bankrupt commonwealths in the states along the coast thus left to themselves naturally became places of refuge for the corsairs; and there was no want of such, especially in Asia.

A bad pre-eminence in this respect belonged to Crete, Crete.
which, from its favourable situation and the weakness or laxity of the great states of the west and east, was the only one of all the Greek settlements that had preserved its independence. Roman commissions doubtless came and went to this island, but accomplished still less there than they did even in Syria and Egypt. It seemed almost as if fate had left liberty to the Cretans only in order to show what was the result of Hellenic independence. It was a dreadful picture. The old Doric rigour of the Cretan institutions had become, just as in Tarentum, changed into a licentious democracy, and the chivalrous spirit of the inhabitants into a wild love of quarrelling and plunder; a respectable Greek himself testifies, that in Crete alone nothing was accounted disgraceful that was lucrative, and even the Apostle Paul quotes with approval the saying of a Cretan poet,

Κρῆτες ἀεὶ ψεῦσται, κακὰ θηρία, γαστέρες ἀργαί.

Perpetual civil wars, notwithstanding the Roman efforts to bring about peace, converted one flourishing township after another on the old "island of the hundred cities" into heaps of ruins. Its inhabitants roamed as robbers at home

and abroad, by land and by sea; the island became the recruiting ground for the surrounding kingdoms, after that evil was no longer tolerated in the Peloponnesus, and above all the true seat of piracy; about this period, for instance, the island of Siphnus was thoroughly pillaged by a fleet of Cretan corsairs. Rhodes—which, besides, was unable to recover from the loss of its possessions on the mainland and from the blows inflicted on its commerce (ii. 515)—expended its last energies in the wars which it found itself compelled to wage against the Cretans for the suppression of piracy
150. (about 600), and in which the Romans sought to mediate, but without earnestness and apparently without success.

Cilicia. Along with Crete, Cilicia soon began to become a second home for this buccaneering system. Piracy there not only gained ground owing to the impotence of the Syrian rulers, but the usurper Diodotus Tryphon, who had
146-139. risen from a slave to be king of Syria (608-615), encouraged it by all means in his chief seat, the rugged or western Cilicia, with a view to strengthen his throne by the aid of the corsairs. The uncommonly lucrative character of the traffic with the pirates, who were at once the principal captors of, and dealers in, slaves, procured for them among the mercantile public, even in Alexandria, Rhodes, and Delos, a certain toleration, in which the very governments shared at least by inaction. The evil was so serious
143. that the senate, about 611, sent its best man Scipio Aemilianus to Alexandria and Syria, in order to ascertain on the spot what could be done in the matter. But diplomatic representations of the Romans did not make weak governments strong; there was no other remedy but that of directly maintaining a fleet in these waters, and for this the Roman government lacked energy and perseverance. So all things just remained on the old footing; the piratic fleet was the only considerable naval power in the Mediterranean; the capture of men was the only trade

that flourished there. The Roman government was an onlooker; but the Roman merchants, as the best customers in the slave market, kept up an active and friendly traffic with the pirate captains, as the most important wholesale dealers in that commodity, at Delos and elsewhere.

General result.

We have followed the transformation of the outward relations of Rome and the Romano-Hellenic world generally in its leading outlines, from the battle of Pydna to the period of the Gracchi, from the Tagus and the Bagradas to the Nile and the Euphrates. It was a great and difficult problem which Rome undertook, when she undertook to govern this Romano-Hellenic world; it was not wholly misunderstood, but it was by no means solved. The untenableness of the idea of Cato's time—that the state should be limited to Italy, and that its rule beyond Italy should be only over clients—was doubtless discerned by the leading men of the following generation; and the necessity of substituting for this ruling by clientship a direct sovereignty of Rome, that should preserve the liberties of the communities, was doubtless recognized. But instead of carrying out this new arrangement firmly, speedily, and uniformly, they annexed isolated provinces just as convenience, caprice, collateral advantage, or accident led them to do so; whereas the greater portion of the territory under clientship either remained in the intolerable uncertainty of its former position, or even, as was the case with Syria especially, withdrew entirely from the influence of Rome. And even the government itself degenerated more and more into a feeble and short-sighted selfishness. They were content with governing from one day to another, and merely transacting the current business as exigency required. They were stern masters towards the weak. When the city of Mylasa in Caria sent to Publius Crassus, consul in 623, a beam for the construction of a battering-ram different 131.
from what he had asked, the chief magistrate of the town

was scourged for it; and Crassus was not a bad man, and a strictly upright magistrate. On the other hand sternness was wanting in those cases where it would have been in place, as in dealing with the barbarians on the frontiers and with the pirates. When the central government renounced all superintendence and all oversight of provincial affairs, it entirely abandoned not only the interests of the subjects, but also those of the state, to the governor of the day. The events which occurred in Spain, unimportant in themselves, are instructive in this respect. In that country, where the government was less able than in other provinces to confine itself to the part of a mere onlooker, the law of nations was directly trampled under foot by the Roman governors; and the honour of Rome was permanently dragged in the mire by a faithlessness and treachery without parallel, by the most wanton trifling with capitulations and treaties, by massacring people who had submitted and instigating the assassination of the generals of the enemy. Nor was this all; war was even waged and peace concluded against the expressed will of the supreme authority in Rome, and unimportant incidents, such as the disobedience of the Numantines, were developed by a rare combination of perversity and folly into a crisis of fatal moment for the state. And all this took place without any effort to visit it with even a serious penalty in Rome. Not only did the sympathies and rivalries of the different coteries in the senate contribute to decide the filling up of the most important places and the treatment of the most momentous political questions; but even thus early the money of foreign dynasts found its way to the senators of Rome. Timarchus, the envoy of Antiochus Epiphanes
164 king of Syria († 590), is mentioned as the first who attempted with success to bribe the Roman senate; the bestowal of presents from foreign kings on influential senators soon became so common, that surprise was excited

when Scipio Aemilianus cast into the military chest the gifts from the king of Syria which reached him in camp before Numantia. The ancient principle, that rule was its own sole reward and that such rule was as much a duty and a burden as a privilege and a benefit, was allowed to fall wholly into abeyance. Thus there arose the new state-economy, which turned its eyes away from the taxation of the burgesses, but regarded the body of subjects, on the other hand, as a profitable possession of the community, which it partly worked out for the public benefit, partly handed over to be worked out by the burgesses. Not only was free scope allowed with criminal indulgence to the unscrupulous greed of the Roman merchant in the provincial administration, but even the commercial rivals who were disagreeable to him were cleared away by the armies of the state, and the most glorious cities of neighbouring lands were sacrificed, not to the barbarism of the lust of power, but to the far more horrible barbarism of speculation. By the ruin of the earlier military organization, which certainly imposed heavy burdens on the burgesses, the state, which was solely dependent in the last resort on its military superiority, undermined its own support. The fleet was allowed to go to ruin; the system of land warfare fell into the most incredible decay. The duty of guarding the Asiatic and African frontiers was devolved on the subjects; and what could not be so devolved, such as the defence of the frontier in Italy, Macedonia, and Spain, was managed after the most wretched fashion. The better classes began to disappear so much from the army, that it was already difficult to raise the necessary number of officers for the Spanish armies. The daily increasing aversion to the Spanish war-service in particular, combined with the partiality shown by the magistrates in the levy, rendered it necessary in 602 to abandon the old practice of leaving the 152.
selection of the requisite number of soldiers from the men

liable to serve to the free discretion of the officers, and to substitute for it the drawing lots on the part of all the men liable to service—certainly not to the advantage of the military *esprit de corps*, or of the warlike efficiency of the individual divisions. The authorities, instead of acting with vigour and sternness, extended their pitiful flattery of the people even to this field; whenever a consul in the discharge of his duty instituted rigorous levies for the Spanish service, the tribunes made use of their constitu-
151. 138. tional right to arrest him (603, 616); and it has been already observed, that Scipio's request that he should be allowed a levy for the Numantine war was directly rejected by the senate. Accordingly the Roman armies before Carthage or Numantia already remind one of those Syrian armies, in which the number of bakers, cooks, actors, and other non-combatants exceeded fourfold that of the so-called soldiers; already the Roman generals are little behind their Carthaginian colleagues in the art of ruining armies, and the wars in Africa as in Spain, in Macedonia as in Asia, are regularly opened with defeats; the murder of Gnaeus Octavius is now passed over in silence; the assassination of Viriathus is now a masterpiece of Roman diplomacy; the conquest of Numantia is now a great achievement. How completely the idea of national and manly honour was already lost among the Romans, was shown with epigrammatic point by the statue of the stripped and bound Mancinus, which he himself, proud of his patriotic devotedness, caused to be erected in Rome. Wherever we turn our eyes, we find the internal energy as well as the external power of Rome rapidly on the decline. The ground won in gigantic struggles is not extended, nor in fact even maintained, in this period of peace. The government of the world, which it was difficult to achieve, it was still more difficult to preserve; the Roman senate had mastered the former task, but it broke down under the latter.

CHAPTER II

THE REFORM MOVEMENT AND TIBERIUS GRACCHUS

The Roman government before the period of the Gracchi.

For a whole generation after the battle of Pydna the Roman state enjoyed a profound calm, scarcely varied by a ripple here and there on the surface. Its dominion extended over the three continents; the lustre of the Roman power and the glory of the Roman name were constantly on the increase; all eyes rested on Italy, all talents and all riches flowed thither; it seemed as if a golden age of peaceful prosperity and intellectual enjoyment of life could not but there begin. The Orientals of this period told each other with astonishment of the mighty republic of the west, "which subdued kingdoms far and near, and whoever heard its name trembled; but it kept good faith with its friends and clients. Such was the glory of the Romans, and yet no one usurped the crown and no one paraded in purple dress; but they obeyed whomsoever from year to year they made their master, and there was among them neither envy nor discord."

Spread of decay.

So it seemed at a distance; matters wore a different aspect on a closer view. The government of the aristocracy was in full train to destroy its own work. Not that the sons and grandsons of the vanquished at Cannae and of the victors at Zama had so utterly degenerated from their fathers and grandfathers; the difference was not so much in the men who now sat in the senate, as in the times.

Where a limited number of old families of established wealth and hereditary political importance conducts the government, it will display in seasons of danger an incomparable tenacity of purpose and power of heroic self-sacrifice, just as in seasons of tranquillity it will be short-sighted, selfish, and negligent—the germs of both results are essentially involved in its hereditary and collegiate character. The morbid matter had been long in existence, but it needed the sun of prosperity to develop it. There was a profound meaning in the question of Cato, "What was to become of Rome, when she should no longer have any state to fear?" That point had now been reached. Every neighbour whom she might have feared was politically annihilated; and of the men who had been reared under the old order of things in the severe school of the Hannibalic war, and whose words still sounded as echoes of that mighty epoch so long as they survived, death called one after another away, till at length even the voice of the last of them, the veteran Cato, ceased to be heard in the senate-house and in the Forum. A younger generation came to the helm, and their policy was a sorry answer to that question of the old patriot. We have already spoken of the shape which the government of the subjects and the external policy of Rome assumed in their hands. In internal affairs they were, if possible, still more disposed to let the ship drive before the wind: if we understand by internal government more than the transaction of current business, there was at this period no government in Rome at all. The single leading thought of the governing corporation was the maintenance and, if possible, the increase of their usurped privileges. It was not the state that had a title to get the right and best man for its supreme magistracy; but every member of the coterie had an inborn title to the highest office of the state—a title not to be prejudiced either by the unfair rivalry of men of his own class

or by the encroachments of the excluded. Accordingly the clique proposed to itself, as its most important political aim, the restriction of re-election to the consulship and the exclusion of "new men"; and in fact it succeeded in obtaining the legal prohibition of the former about 603,[1] and in sufficing with a government of aristocratic nobodies. Even the inaction of the government in its outward relations was doubtless connected with this policy of the nobility, exclusive towards commoners, and distrustful towards the individual members of their own order. By no surer means could they keep commoners, whose deeds were their patent of nobility, aloof from the pure circles of the aristocracy than by giving no opportunity to any one to perform deeds at all; to the existing government of general mediocrity even an aristocratic conqueror of Syria or Egypt would have proved extremely inconvenient. 151.

Attempts at reform. Permanent criminal commissions.

It is true that now also there was no want of opposition, and it was even to a certain extent effectual. The administration of justice was improved. The administrative jurisdiction, which the senate exercised either of itself or, on occasion, by extraordinary commissions, over the provincial magistrates, was confessedly inadequate. It was an innovation with a momentous bearing on the whole public life of the Roman community, when in 605, on the proposal of Lucius Calpurnius Piso, a standing senatorial 149.

[1] In 537 the law restricting re-election to the consulship was suspended during the continuance of the war in Italy, that is, down to 551 (p. 14; Liv. xxvii. 6). But after the death of Marcellus in 546 re-elections to the consulship, if we do not include the abdicating consuls of 592, only occurred in the years 547, 554, 560, 579, 585, 586, 591, 596, 599, 602; consequently not oftener in those fifty-six years than, for instance, in the ten years 401–410. Only one of these, and that the very last, took place in violation of the ten years' interval (i. 402); and beyond doubt the singular election of Marcus Marcellus who was consul in 588 and 599 to a third consulship in 602, with the special circumstances of which we are not acquainted, gave occasion to the law prohibiting re-election to the consulship altogether (Liv. *Ep.* 56); especially as this proposal must have been introduced before 605, seeing that it was supported by Cato (p. 55, Jordan). 217. 203. 208. 353-344. 166, 155. 152. 149.

commission (*quaestio ordinaria*) was instituted to try in judicial form the complaints of the provincials against the Roman magistrates placed over them on the score of extortion. An effort was made to emancipate the comitia from the predominant influence of the aristocracy. The panacea of Roman democracy was secret voting in the assemblies of the burgesses, which was introduced first for the elections of magistrates by the Gabinian law (615), then for the public tribunals by the Cassian law (617), lastly for the voting on legislative proposals by the Papirian law (623). In a similar way soon afterwards (about 625) the senators were by decree of the people enjoined on admission to the senate to surrender their public horse, and thereby to renounce their privileged place in the voting of the eighteen equestrian centuries (p. 8). These measures, directed to the emancipation of the electors from the ruling aristocratic order, may perhaps have seemed to the party which suggested them the first steps towards a regeneration of the state; in fact they made not the slightest change in the nullity and want of freedom of the legally supreme organ of the Roman community; that nullity indeed was only the more palpably evinced to all whom it did or did not concern. Equally ostentatious and equally empty was the formal recognition accorded to the independence and sovereignty of the burgesses by the transference of their place of assembly from the old Comitium below the senate-house to the Forum (about 609).

Vote by ballot.

139. 137. 131. 129.

Exclusion of the senators from the equestrian centuries.

145.

But this hostility between the formal sovereignty of the people and the practically subsisting constitution was in great part a semblance. Party phrases were in free circulation: of the parties themselves there was little trace in matters really and directly practical. Throughout the whole seventh century the annual public elections to the civil magistracies, especially to the consulship and censorship, formed the real standing question of the day and the focus

The public elections.

of political agitation; but it was only in isolated and rare instances that the different candidates represented opposite political principles; ordinarily the question related purely to persons, and it was for the course of affairs a matter of indifference whether the majority of the votes fell to a Caecilian or to a Cornelian. The Romans thus lacked that which outweighs and compensates all the evils of party-life —the free and common movement of the masses towards what they discern as a befitting aim—and yet endured all those evils solely for the benefit of the paltry game of the ruling coteries.

It was comparatively easy for the Roman noble to enter on the career of office as quaestor or tribune of the people; but the consulship and the censorship were attainable by him only through great exertions prolonged for years. The prizes were many, but those really worth having were few; the competitors ran, as a Roman poet once said, as it were over a racecourse wide at the starting-point but gradually narrowing its dimensions. This was right, so long as the magistracy was—what it was called—an "honour" and men of military, political, or juristic ability were rival competitors for the rare chaplets; but now the practical closeness of the nobility did away with the benefit of competition, and left only its disadvantages. With few exceptions the young men belonging to the ruling families crowded into the political career, and hasty and premature ambition soon caught at means more effective than was useful action for the common good. The first requisite for a public career came to be powerful connections; and therefore that career began, not as formerly in the camp, but in the ante-chambers of influential men. A new and genteel body of clients now undertook—what had formerly been done only by dependents and freedmen—to come and wait on their patron early in the morning, and to appear publicly in his train. But the mob also is a great lord, and desires as such to receive

attention. The rabble began to demand as its right that the future consul should recognize and honour the sovereign people in every ragged idler of the street, and that every candidate should in his "going round" (*ambitus*) salute every individual voter by name and press his hand. The world of quality readily entered into this degrading canvass. The true candidate cringed not only in the palace, but also on the street, and recommended himself to the multitude by flattering attentions, indulgences, and civilities more or less refined. Demagogism and the cry for reforms were sedulously employed to attract the notice and favour of the public; and they were the more effective, the more they attacked not things but persons. It became the custom for beardless youths of genteel birth to introduce themselves with *éclat* into public life by playing afresh the part of Cato with the immature passion of their boyish eloquence, and by constituting and proclaiming themselves state-attorneys, if possible, against some man of very high standing and very great unpopularity; the Romans suffered the grave institutions of criminal justice and of political police to become a means of soliciting office. The provision or, what was still worse, the promise of magnificent popular amusements had long been the, as it were legal, prerequisite to the obtaining of the consulship (p. 40); now the votes of the electors began to be directly purchased with money, as is shown by the prohibition issued against this about
159. 595. Perhaps the worst consequence of the continual courting of the favour of the multitude by the ruling aristocracy was the incompatibility of such a begging and fawning part with the position which the government should rightfully occupy in relation to the governed. The government was thus converted from a blessing into a curse for the people. They no longer ventured to dispose of the property and blood of the burgesses, as exigency required, for the good of their country. They allowed the burgesses to

become habituated to the dangerous idea that they were legally exempt from the payment of direct taxes even by way of advance—after the war with Perseus no further advance had been asked from the community. They allowed their military system to decay rather than compel the burgesses to enter the odious transmarine service; how it fared with the individual magistrates who attempted to carry out the conscription according to the strict letter of the law, has already been related (p. 296).

Optimates and Populares.

In the Rome of this epoch the two evils of a degenerate oligarchy and a democracy still undeveloped but already cankered in the bud were interwoven in a manner pregnant with fatal results. According to their party names, which were first heard during this period, the "Optimates" wished to give effect to the will of the best, the "Populares" to that of the community; but in fact there was in the Rome of that day neither a true aristocracy nor a truly self-determining community. Both parties contended alike for shadows, and numbered in their ranks none but enthusiasts or hypocrites. Both were equally affected by political corruption, and both were in fact equally worthless. Both were necessarily tied down to the *status quo*, for neither on the one side nor on the other was there found any political idea —to say nothing of any political plan—reaching beyond the existing state of things; and accordingly the two parties were so entirely in agreement that they met at every step as respected both means and ends, and a change of party was a change of political tactics more than of political sentiments. The commonwealth would beyond doubt have been a gainer, if either the aristocracy had directly introduced a hereditary rotation instead of election by the burgesses, or the democracy had produced from within it a real demagogic government. But these Optimates and these Populares of the beginning of the seventh century were far too indispensable for each other to wage such internecine war;

they not only could not destroy each other, but, even if they had been able to do so, they would not have been willing. Meanwhile the commonwealth was politically and morally more and more unhinged, and was verging towards utter disorganization.

Social crisis.

The crisis with which the Roman revolution was opened arose not out of this paltry political conflict, but out of the economic and social relations which the Roman government allowed, like everything else, simply to take their course, and which thus found opportunity to bring the morbid matter, that had been long fermenting, without hindrance and with fearful rapidity and violence to maturity. From a very early period the Roman economy was based on the two factors—always in quest of each other, and always at variance—the husbandry of the small farmer and the money of the capitalist. The latter in the closest alliance with landholding on a great scale had already for centuries waged against the farmer-class a war, which seemed as though it could not but terminate in the destruction first of the farmers and thereafter of the whole commonwealth, but was broken off without being properly decided in consequence of the successful wars and the comprehensive and ample distribution of domains for which these wars gave facilities. It has already been shown (pp. 75-82) that in the same age, which renewed the distinction between patricians and plebeians under altered names, the disproportionate accumulation of capital was preparing a second assault on the farming system. It is true that the method was different. Formerly the small farmer had been ruined by advances of money, which practically reduced him to be the steward of his creditor; now he was crushed by the competition of transmarine, and especially of slave-grown, corn. The capitalists kept pace with the times; capital, while waging war against labour or in other words against the liberty of the person, of course, as it had always done, under the strictest form of law, waged

it no longer in the unseemly fashion which converted the free man on account of debt into a slave, but, throughout, with slaves legitimately bought and paid; the former usurer of the capital appeared in a shape conformable to the times as the owner of industrial plantations. But the ultimate result was in both cases the same—the depreciation of the Italian farms; the supplanting of the petty husbandry, first in a part of the provinces and then in Italy, by the farming of large estates; the prevailing tendency to devote the latter in Italy to the rearing of cattle and the culture of the olive and vine; finally, the replacing of the free labourers in the provinces as in Italy by slaves. Just as the nobility was more dangerous than the patriciate, because the former could not, like the latter, be set aside by a change of the constitution; so this new power of capital was more dangerous than that of the fourth and fifth centuries, because nothing was to be done against it by changes in the law of the land.

Slavery and its consequences.

Before we attempt to describe the course of this second great conflict between labour and capital, it is necessary to give here some indication of the nature and extent of the system of slavery. We have not now to do with the old, in some measure innocent, rural slavery, under which the farmer either tilled the field along with his slave, or, if he possessed more land than he could manage, placed the slave—either as steward or as a sort of lessee obliged to render up a portion of the produce—over a detached farm (i. 245). Such relations no doubt existed at all times—around Comum, for instance, they were still the rule in the time of the empire—but as exceptional features in privileged districts and on humanely-managed estates. What we now refer to is the system of slavery on a great scale, which in the Roman state, as formerly in the Carthaginian, grew out of the ascendency of capital. While the captives taken in war and the hereditary transmission of slavery sufficed to

keep up the stock of slaves during the earlier period, this system of slavery was, just like that of America, based on the methodically-prosecuted hunting of man; for, owing to the manner in which slaves were used with little regard to their life or propagation, the slave population was constantly on the wane, and even the wars which were always furnishing fresh masses to the slave-market were not sufficient to cover the deficit. No country where this species of game could be hunted remained exempt from visitation; even in Italy it was a thing by no means unheard of, that the poor freeman was placed by his employer among the slaves. But the Negroland of that period was western Asia,[1] where the Cretan and Cilician corsairs, the real professional slave-hunters and slave-dealers, robbed the coasts of Syria and the Greek islands; and where, emulating their feats, the Roman revenue-farmers instituted human hunts in the client states and incorporated those whom they captured among their slaves. This was done to such an extent, that
100. about 650 the king of Bithynia declared himself unable to furnish the required contingent, because all the people capable of labour had been dragged off from his kingdom by the revenue-farmers. At the great slave-market in Delos, where the slave-dealers of Asia Minor disposed of their wares to Italian speculators, on one day as many as 10,000 slaves are said to have been disembarked in the morning and to have been all sold before evening—a proof at once how enormous was the number of slaves delivered, and how, notwithstanding, the demand still exceeded the supply. It was no wonder. Already in describing the Roman economy of the sixth century we have explained that it was based, like all the large undertakings of antiquity generally, on the employment of slaves (pp. 68 *f.*, 82). In whatever direction

[1] It was asserted even then, that the human race in that quarter was pre-eminently fitted for slavery by its especial power of endurance. Plautus (*Trin.* 542) commends the Syrians: *genus quod patientissimum est hominum.*

speculation applied itself, its instrument was without exception man reduced in law to a beast of burden. Trades were in great part carried on by slaves, so that the proceeds fell to the master. The levying of the public revenues in the lower grades was regularly conducted by the slaves of the associations that leased them. Servile hands performed the operations of mining, making pitch, and others of a similar kind; it became early the custom to send herds of slaves to the Spanish mines, whose superintendents readily received them and paid a high rent for them. The vine and olive harvest in Italy was not conducted by the people on the estate, but was contracted for by a slave-owner. The tending of cattle was universally performed by slaves. We have already mentioned the armed, and frequently mounted, slave-herdsmen in the great pastoral ranges of Italy (p. 74); and the same sort of pastoral husbandry soon became in the provinces also a favourite object of Roman speculation—Dalmatia, for instance, was hardly acquired (599) when the Roman capitalists began to prosecute the 155.
rearing of cattle there on a great scale after the Italian fashion. But far worse in every respect was the plantation-system proper—the cultivation of the fields by a band of slaves not unfrequently branded with iron, who with shackles on their legs performed the labours of the field under overseers during the day, and were locked up together by night in the common, frequently subterranean, labourers' prison. This plantation-system had migrated from the east to Carthage (ii. 138), and seems to have been brought by the Carthaginians to Sicily, where, probably for this reason, it appears developed earlier and more completely than in any other part of the Roman dominions.[1] We find

[1] The hybrid Greek name for the workhouse (*ergastulum*, from ἐργάζομαι, after the analogy of *stabulum*, *operculum*) is an indication that this mode of management came to the Romans from a region where the Greek language was used, but at a period when a thorough Hellenic culture was not yet attained.

the territory of Leontini, about 30,000 *jugera* of arable land, which was let on lease as Roman domain (ii. 313) by the censors, divided some decades after the time of the Gracchi among not more than 84 lessees, to each of whom there thus fell on an average 360 *jugera*, and among whom only one was a Leontine; the rest were foreign, mostly Roman, speculators. We see from this instance with what zeal the Roman speculators there walked in the footsteps of their predecessors, and what extensive dealings in Sicilian cattle and Sicilian slave-corn must have been carried on by the Roman and non-Roman speculators who covered the fair island with their pastures and plantations. Italy however still remained for the present substantially exempt from this worst form of slave-husbandry. Although in Etruria, where the plantation-system seems to have first emerged in Italy, and where it existed most extensively at least forty years afterwards, it is extremely probable that even now *ergastula* were not wanting; yet Italian agriculture at this epoch was still chiefly carried on by free persons or at any rate by non-fettered slaves, while the greater tasks were frequently let out to contractors. The difference between Italian and Sicilian slavery is very clearly apparent from the fact, that the slaves of the Mamertine community, which lived after the Italian fashion, were the only slaves who did not take part in the Sicilian servile revolt of 619–622.

135-132.

The abyss of misery and woe, which opens before our eyes in this most miserable of all proletariates, may be fathomed by those who venture to gaze into such depths; it is very possible that, compared with the sufferings of the Roman slaves, the sum of all Negro sufferings is but a drop. Here we are not so much concerned with the hardships of the slaves themselves as with the perils which they brought upon the Roman state, and with the conduct of the government in confronting them. It is plain that this proletariate was not called into existence by the government and could

not be directly set aside by it; this could only have been accomplished by remedies which would have been still worse than the disease. The duty of the government was simply, on the one hand, to avert the direct danger to property and life, with which the slave-proletariate threatened the members of the state, by an earnest system of police for securing order; and on the other hand, to aim at the restriction of the proletariate, as far as possible, by the elevation of free labour. Let us see how the Roman aristocracy executed these two tasks.

Insurrections of the slaves.

The servile conspiracies and servile wars, breaking out everywhere, illustrate their management as respects police. In Italy the scenes of disorder, which were among the immediate painful consequences of the Hannibalic war (p. 102), seemed now to be renewed; all at once the Romans were obliged to seize and execute in the capital 150, in Minturnae 450, in Sinuessa even 4000 slaves (621). 133. Still worse, as may be conceived, was the state of the provinces. At the great slave-market at Delos and in the Attic silver-mines about the same period the revolted slaves had to be put down by force of arms. The war against Aristonicus and his "Heliopolites" in Asia Minor was in substance a war of the landholders against the revolted slaves (p. 278). But worst of all, naturally, was the condition of Sicily, the chosen land of the plantation system. Brigandage had long been a standing evil there, especially in the interior; it began to swell into insurrection. Damophilus, a wealthy planter of Enna (Castrogiovanni), who vied with the Italian lords in the industrial investment of his living capital, was attacked and murdered by his exasperated rural slaves; whereupon the savage band flocked into the town of Enna, and there repeated the same process on a greater scale. The slaves rose in a body against their masters, killed or enslaved them, and summoned to the head of the already considerable insurgent army a juggler

The first Sicilian slave war.

from Apamea in Syria who knew how to vomit fire and utter oracles, formerly as a slave named Eunus, now as chief of the insurgents styled Antiochus king of the Syrians. And why not? A few years before another Syrian slave, who was not even a prophet, had in Antioch itself worn the royal diadem of the Seleucids (p. 292). The Greek slave Achaeus, the brave "general" of the new king, traversed the island, and not only did the wild herdsmen flock from far and near to the strange standards, but the free labourers also, who bore no goodwill to the planters, made common cause with the revolted slaves. In another district of Sicily Cleon, a Cilician slave, formerly in his native land a daring bandit, followed the example which had been set and occupied Agrigentum; and, when the leaders came to a mutual understanding, after gaining various minor advantages they succeeded in at last totally defeating the praetor Lucius Hypsaeus in person and his army, consisting mostly of Sicilian militia, and in capturing his camp. By this means almost the whole island came into the power of the insurgents, whose numbers, according to the most moderate estimates, are alleged to have amounted to 70,000 men capable of bearing arms. The Romans found themselves compelled for three successive
134-132. years (620–622) to despatch consuls and consular armies to Sicily, till, after several undecided and even some unfavourable conflicts, the revolt was at length subdued by the capture of Tauromenium and of Enna. The most resolute men of the insurgents threw themselves into the latter town, in order to hold their ground in that impregnable position with the determination of men who despair of deliverance or of pardon; the consuls Lucius Calpurnius Piso and Publius Rupilius lay before it for two years, and reduced it at last more by famine than by arms.[1]

[1] Even now there are not unfrequently found in front of Castrogiovanni, at the point where the ascent is least abrupt, Roman projectiles with the
133. name of the consul of 621: *L. Piso L. f. cos.*

These were the results of the police system for securing order, as it was handled by the Roman senate and its officials in Italy and the provinces. While the task of getting quit of the proletariate demands and only too often transcends the whole power and wisdom of a government, its repression by measures of police on the other hand is for any larger commonwealth comparatively easy. It would be well with states, if the unpropertied masses threatened them with no other danger than that with which they are menaced by bears and wolves; only the timid and those who trade upon the silly fears of the multitude prophesy the destruction of civil order through servile revolts or insurrections of the proletariate. But even to this easier task of restraining the oppressed masses the Roman government was by no means equal, notwithstanding the profound peace and the inexhaustible resources of the state. This was a sign of its weakness; but not of its weakness alone. By law the Roman governor was bound to keep the public roads clear and to have the robbers who were caught, if they were slaves, crucified; and naturally, for slavery is not possible without a reign of terror. At this period in Sicily a razzia was occasionally doubtless set on foot by the governor, when the roads became too insecure; but, in order not to disoblige the Italian planters, the captured robbers were ordinarily given up by the authorities to their masters to be punished at their discretion; and those masters were frugal people who, if their slave-herdsmen asked clothes, replied with stripes and with the inquiry whether travellers journeyed through the land naked. The consequence of such connivance accordingly was, that on the subjugation of the slave-revolt the consul Publius Rupilius ordered all that came into his hands alive —it is said upwards of 20,000 men—to be crucified. It was in truth no longer possible to spare capital.

The Italian farmers.

The care of the government for the elevation of free labour, and by consequence for the restriction of the slave-

proletariate, promised fruits far more difficult to be gained but also far richer. Unfortunately, in this respect there was nothing done at all. In the first social crisis the landlord had been enjoined by law to employ a number of free labourers proportioned to the number of his slave labourers (i. 381). Now at the suggestion of the government a Punic treatise on agriculture (ii. 151), doubtless giving instructions in the system of plantation after the Carthaginian mode, was translated into Latin for the use and benefit of Italian speculators—the first and only instance of a literary undertaking suggested by the Roman senate! The same tendency showed itself in a more important matter, or to speak more correctly in the vital question for Rome—the system of colonization. It needed no special wisdom, but merely a recollection of the course of the first social crisis in Rome, to perceive that the only real remedy against an agricultural proletariate consisted in a comprehensive and duly-regulated system of emigration (i. 391); for which the external relations of Rome offered the most favourable opportunity. Until nearly the close of the sixth century, in fact, the continuous diminution of the small landholders of Italy was counteracted by the continuous establishment of new farm-allotments (p. 48). This, it is true, was by no means done to the extent to which it might and should have been done; not only was the domain-land occupied from ancient times by private persons (i. 344) not recalled, but further occupations of newly-won land were permitted; and other very important acquisitions, such as the territory of Capua, while not abandoned to occupation, were yet not brought into distribution, but were let on lease as usufructuary domains. Nevertheless the assignation of land had operated beneficially—giving help to many of the sufferers and hope to all. But
177. after the founding of Luna (577) no trace of further assignations of land is to be met with for a long time, with the exception of the isolated institution of the Picenian colony

of Auximum (Osimo) in 597. The reason is simple. After 157
the conquest of the Boii and Apuani no new territory was acquired in Italy excepting the far from attractive Ligurian valleys; therefore no other land existed for distribution there except the leased or occupied domain-land, the laying hands on which was, as may easily be conceived, just as little agreeable to the aristocracy now as it was three hundred years before. The distribution of the territory acquired out of Italy appeared for political reasons inadmissible; Italy was to remain the ruling country, and the wall of partition between the Italian masters and their provincial servants was not to be broken down. Unless the government were willing to set aside considerations of higher policy or even the interests of their order, no course was left to them but to remain spectators of the ruin of the Italian farmer-class; and this result accordingly ensued. The capitalists continued to buy out the small landholders, or indeed, if they remained obstinate, to seize their fields without title of purchase; in which case, as may be supposed, matters were not always amicably settled. A peculiarly favourite method was to eject the wife and children of the farmer from the homestead, while he was in the field, and to bring him to compliance by means of the theory of "accomplished fact." The landlords continued mainly to employ slaves instead of free labourers, because the former could not like the latter be called away to military service; and thus reduced the free proletariate to the same level of misery with the slaves. They continued to supersede Italian grain in the market of the capital, and to lessen its value over the whole peninsula, by selling Sicilian slave-corn at a mere nominal price. In Etruria the old native aristocracy in league with the Roman capitalists had as early as 620 brought matters 134
to such a pass, that there was no longer a free farmer there. It could be said aloud in the market of the capital, that the beasts had their lairs but nothing was left to the bur-

gesses save the air and sunshine, and that those who were styled the masters of the world had no longer a clod that they could call their own. The census lists of the Roman burgesses furnished the commentary on these words. From
159. the end of the Hannibalic war down to 595 the numbers of the burgesses were steadily on the increase, the cause of which is mainly to be sought in the continuous and con-
159. siderable distributions of domain-land (p. 101): after 595 again, when the census yielded 328,000 burgesses capable of bearing arms, there appears a regular falling-off, for the
154. 147. list in 600 stood at 324,000, that in 607 at 322,000, that
131. in 623 at 319,000 burgesses fit for service—an alarming result for a time of profound peace at home and abroad. If matters were to go on at this rate, the burgess-body would resolve itself into planters and slaves; and the Roman state might at length, as was the case with the Parthians, purchase its soldiers in the slave-market.

Ideas of reform.

Such was the external and internal condition of Rome, when the state entered on the seventh century of its existence. Wherever the eye turned, it encountered abuses and decay; the question could not but force itself on every sagacious and well-disposed man, whether this state of things was not capable of remedy or amendment. There was no want of such men in Rome; but no one seemed more called to the great work of political and social reform than Publius Cornelius Scipio Aemilianus Africanus (570–625), the favourite son of Aemilius Paullus and the adopted grandson of the great Scipio, whose glorious surname of Africanus he bore by virtue not merely of hereditary but of personal right. Like his father, he was a man temperate and thoroughly healthy, never ailing in body, and never at a loss to resolve on the immediate and necessary course of action. Even in his youth he had kept aloof from the usual proceedings of political novices — the attending in the ante-

Scipio Aemilianus.
184-129.

chambers of prominent senators and the delivery of forensic declamations. On the other hand he loved the chase—when a youth of seventeen, after having served with distinction under his father in the campaign against Perseus, he had asked as his reward the free range of the deer forest of the kings of Macedonia which had been untouched for four years—and he was especially fond of devoting his leisure to scientific and literary enjoyment. By the care of his father he had been early initiated into that genuine Greek culture, which elevated him above the insipid Hellenizing of the semi-culture commonly in vogue; by his earnest and apt appreciation of the good and bad qualities in the Greek character, and by his aristocratic carriage, this Roman made an impression on the courts of the east and even on the scoffing Alexandrians. His Hellenism was especially recognizable in the delicate irony of his discourse and in the classic purity of his Latin. Although not strictly an author, he yet, like Cato, committed to writing his political speeches—they were, like the letters of his adopted sister the mother of the Gracchi, esteemed by the later *litteratores* as masterpieces of model prose—and took pleasure in surrounding himself with the better Greek and Roman *litterati*, a plebeian society which was doubtless regarded with no small suspicion by those colleagues in the senate whose noble birth was their sole distinction. A man morally steadfast and trustworthy, his word held good with friend and foe; he avoided buildings and speculations, and lived with simplicity; while in money matters he acted not merely honourably and disinterestedly, but also with a tenderness and liberality which seemed singular to the mercantile spirit of his contemporaries. He was an able soldier and officer; he brought home from the African war the honorary wreath which was wont to be conferred on those who saved the lives of citizens in danger at the

peril of their own, and terminated as general the war which he had begun as an officer; circumstances gave him no opportunity of trying his skill as a general on tasks really difficult. Scipio was not, any more than his father, a man of brilliant gifts—as is indicated by the very fact of his predilection for Xenophon, the sober soldier and correct author—but he was an honest and true man, who seemed pre-eminently called to stem the incipient decay by organic reforms. All the more significant is the fact that he did not attempt it. It is true that he helped, as he had opportunity and means, to redress or prevent abuses, and laboured in particular at the improvement of the administration of justice. It was chiefly by his assistance that Lucius Cassius, an able man of the old Roman austerity and uprightness, was enabled to carry against the most vehement opposition of the Optimates his law as to voting, which introduced vote by ballot for those popular tribunals which still embraced the most important part of the criminal jurisdiction (p. 300). In like manner, although he had not chosen to take part in boyish impeachments, he himself in his mature years put upon their trial several of the guiltiest of the aristocracy. In a like spirit, when commanding before Carthage and Numantia, he drove forth the women and priests to the gates of the camp, and subjected the rabble of soldiers once more to the iron yoke of the old
142. military discipline; and when censor (612), he cleared away the smooth-chinned coxcombs among the world of quality and in earnest language urged the citizens to adhere more faithfully to the honest customs of their fathers. But no one, and least of all he himself, could fail to see that increased stringency in the administration of justice and isolated interference were not even first steps towards the healing of the organic evils under which the state laboured. These Scipio did not touch. Gaius Laelius

(consul in 614), Scipio's elder friend and his political instructor and confidant, had conceived the plan of proposing the resumption of the Italian domain-land which had not been given away but had been temporarily occupied, and of giving relief by its distribution to the visibly decaying Italian farmers; but he desisted from the project when he saw what a storm he was going to raise, and was thenceforth named the "Judicious." Scipio was of the same opinion. He was fully persuaded of the greatness of the evil, and with a courage deserving of honour he without respect of persons remorselessly assailed it and carried his point, where he risked himself alone; but he was also persuaded that the country could only be relieved at the price of a revolution similar to that which in the fourth and fifth centuries had sprung out of the question of reform, and, rightly or wrongly, the remedy seemed to him worse than the disease. So with the small circle of his friends he held a middle position between the aristocrats, who never forgave him for his advocacy of the Cassian law, and the democrats, whom he neither satisfied nor wished to satisfy; solitary during his life, praised after his death by both parties, now as the champion of the aristocracy, now as the promoter of reform. Down to his time the censors on laying down their office had called upon the gods to grant greater power and glory to the state: the censor Scipio prayed that they might deign to preserve the state. His whole confession of faith lies in that painful exclamation. 140.

Tiberius Gracchus.

But where the man who had twice led the Roman army from deep decline to victory despaired, a youth without achievements had the boldness to give himself forth as the saviour of Italy. He was called Tiberius Sempronius Gracchus (591–621). His father who bore the same name (consul in 577, 591; censor in 585), was the true model of a Roman aristocrat. The brilliant magnificence of his 163-133. 177. 163. 169.

aedilician games, not produced without oppressing the dependent communities, had drawn upon him the severe and deserved censure of the senate (p. 31); his interference in the pitiful process directed against the Scipios who were personally hostile to him (ii. 484) gave proof of his chivalrous feeling, and perhaps of his regard for his own order; and his energetic action against the freedmen in his censorship (p. 53) evinced his conservative disposition. As governor, moreover, of the province of the Ebro (ii. 391), by his bravery and above all by his integrity he rendered a permanent service to his country, and at the same time raised to himself in the hearts of the subject nation an enduring monument of reverence and affection.

His mother Cornelia was the daughter of the conqueror of Zama, who, simply on account of that generous intervention, had chosen his former opponent as a son-in-law; she herself was a highly cultivated and notable woman, who after the death of her much older husband had refused the hand of the king of Egypt and reared her three surviving children in memory of her husband and her father. Tiberius, the elder of the two sons, was of a good and moral disposition, of gentle aspect and quiet bearing, apparently fitted for anything rather than for an agitator of the masses. In all his relations and views he belonged to the Scipionic circle, whose refined and thorough culture, Greek and national, he and his brother and sister shared. Scipio Aemilianus was at once his cousin and his sister's husband; under him Tiberius, at the age of eighteen, had taken part in the storming of Carthage, and had by his valour acquired the commendation of the stern general and warlike distinctions. It was natural that the able young man should, with all the vivacity and all the stringent precision of youth, adopt and intensify the views as to the pervading decay of the state which were prevalent in that

circle, and more especially their ideas as to the elevation of the Italian farmers. Nor was it merely to the young men that the shrinking of Laelius from the execution of his ideas of reform seemed to be not judicious, but weak. Appius Claudius, who had already been consul (611) and censor (618), one of the most respected men in the senate, censured the Scipionic circle for having so soon abandoned the scheme of distributing the domain-lands with all the passionate vehemence which was the hereditary characteristic of the Claudian house; and with the greater bitterness, apparently because he had come into personal conflict with Scipio Aemilianus in his candidature for the censorship. Similar views were expressed by Publius Crassus Mucianus (p. 279), the *pontifex maximus* of the day, who was held in universal honour by the senate and the citizens as a man and a jurist. Even his brother Publius Mucius Scaevola, the founder of scientific jurisprudence in Rome, seemed not averse to the plan of reform; and his voice was of the greater weight, as he stood in some measure aloof from the parties. Similar were the sentiments of Quintus Metellus, the conqueror of Macedonia and of the Achaeans, but respected not so much on account of his warlike deeds as because he was a model of the old discipline and manners alike in his domestic and his public life. Tiberius Gracchus was closely connected with these men, particularly with Appius whose daughter he had married, and with Mucianus whose daughter was married to his brother. It was no wonder that he cherished the idea of resuming in person the scheme of reform, so soon as he should find himself in a position which would constitutionally allow him the initiative. Personal motives may have strengthened this resolution. The treaty of peace which Mancinus concluded with the Numantines in 617, was in substance the work of Gracchus (p. 228); the recollection that the senate had cancelled it, that the general had been on its account surrendered to the

143. 136. 137.

enemy, and that Gracchus with the other superior officers had only escaped a like fate through the greater favour which he enjoyed among the burgesses, could not put the young, upright, and proud man in better humour with the ruling aristocracy. The Hellenic rhetoricians with whom he was fond of discussing philosophy and politics, Diophanes of Mytilene and Gaius Blossius of Cumae, nourished within his soul the ideals over which he brooded: when his intentions became known in wider circles, there was no want of approving voices, and many a public placard summoned the grandson of Africanus to think of the poor people and the deliverance of Italy.

Tribunate of Gracchus. [134.

Tiberius Gracchus was invested with the tribunate of the people on the 10th of December, 620. The fearful consequences of the previous misgovernment, the political, military, economic, and moral decay of the burgesses, were just at that time naked and open to the eyes of all. Of the two consuls of this year one fought without success in Sicily against the revolted slaves, and the other, Scipio Aemilianus, was employed for months not in conquering, but in crushing a small Spanish country town. If Gracchus still needed a special summons to carry his resolution into effect, he found it in this state of matters which filled the mind of every patriot with unspeakable anxiety. His father-in-law promised assistance in counsel and action; the support of the jurist Scaevola, who had shortly before been
133. elected consul for 621, might be hoped for. So Gracchus immediately after entering on office, proposed the enactment

His agrarian law. [867.

of an agrarian law, which in a certain sense was nothing but a renewal of the Licinio-Sextian law of 387 (i. 380). Under it all the state-lands which were occupied and enjoyed by the possessors without remuneration—those that were let on lease, such as the territory of Capua, were not affected by the law—were to be resumed on behalf of the state; but with the restriction, that each occupier should reserve

for himself 500 *jugera* and for each son 250 (so as not, however, to exceed 1000 *jugera* in all) in permanent and guaranteed possession, or should be entitled to claim compensation in land to that extent. Indemnification appears to have been granted for any improvements executed by the former holders, such as buildings and plantations. The domain-land thus resumed was to be broken up into lots of 30 *jugera*; and these were to be distributed partly to burgesses, partly to Italian allies, not as their own free property, but as inalienable heritable leaseholds, whose holders bound themselves to use the land for agriculture and to pay a moderate rent to the state-chest. A *collegium* of three men, who were regarded as ordinary and standing magistrates of the state and were annually elected by the assembly of the people, was entrusted with the work of resumption and distribution; to which was afterwards added the important and difficult function of legally settling what was domain-land and what was private property. The distribution was accordingly designed to go on for an indefinite period until the Italian domains which were very extensive and difficult of adjustment should be regulated. The new features in the Sempronian agrarian law, as compared with the Licinio-Sextian, were, first, the clause in favour of the hereditary possessors; secondly, the leasehold and inalienable tenure proposed for the new allotments; thirdly and especially, the regulated and permanent executive, the want of which under the older law had been the chief reason why it had remained without lasting practical application.

War was thus declared against the great landholders, who now, as three centuries ago, found substantially their organ in the senate; and once more, after a long interval, a single magistrate stood forth in earnest opposition to the aristocratic government. It took up the conflict in the mode—sanctioned by use and wont for such cases—of paralyzing the excesses of the magistrates by means of the

magistracy itself (i. 408). A colleague of Gracchus, Marcus Octavius, a resolute man who was seriously persuaded of the objectionable character of the proposed domain law, interposed his veto when it was about to be put to the vote; a step, the constitutional effect of which was to set aside the proposal. Gracchus in his turn suspended the business of the state and the administration of justice, and placed his seal on the public chest; the government acquiesced—it was inconvenient, but the year would draw to an end. Gracchus, in perplexity, brought his law to the vote a second time. Octavius of course repeated his veto; and to the urgent entreaty of his colleague and former friend, that he would not obstruct the salvation of Italy, he might reply that on that very question, as to how Italy could be saved, opinions differed, but that his constitutional right to use his veto against the proposal of his colleague was beyond all doubt. The senate now made an attempt to open up to Gracchus a tolerable retreat; two consulars challenged him to discuss the matter further in the senate house, and the tribune entered into the scheme with zeal. He sought to construe this proposal as implying that the senate had conceded the principle of distributing the domain-land; but neither was this implied in it, nor was the senate at all disposed to yield in the matter; the discussions ended without any result. Constitutional means were exhausted. In earlier times under such circumstances men were not indisposed to let the proposal go to sleep for the current year, and to take it up again in each succeeding one, till the earnestness of the demand and the pressure of public opinion overbore resistance. Now things were carried with a higher hand. Gracchus seemed to himself to have reached the point when he must either wholly renounce his reform or begin a revolution. He chose the latter course; for he came before the burgesses with the declaration that either he or Octavius must retire from the

college, and suggested to Octavius that a vote of the burgesses should be taken as to which of them they wished to dismiss. Octavius naturally refused to consent to this strange challenge; the *intercessio* existed for the very purpose of giving scope to such differences of opinion among colleagues. Then Gracchus broke off the discussion with his colleague, and turned to the assembled multitude with the question whether a tribune of the people, who acted in opposition to the people, had not forfeited his office; and the assembly, long accustomed to assent to all proposals presented to it, and for the most part composed of the agricultural proletariate which had flocked in from the country and was personally interested in the carrying of the law, gave almost unanimously an affirmative answer. Marcus Octavius was at the bidding of Gracchus removed by the lictors from the tribunes' bench; and then, amidst universal rejoicing, the agrarian law was carried and the first allotment-commissioners were nominated. The votes fell on the author of the law along with his brother Gaius, who was only twenty years of age, and his father-in-law Appius Claudius. Such a family-selection augmented the exasperation of the aristocracy. When the new magistrates applied as usual to the senate to obtain the moneys for their equipment and for their daily allowance, the former was refused, and a daily allowance was assigned to them of 24 *asses* (1 shilling). The feud spread daily more and more, and became more envenomed and more personal. The difficult and intricate task of defining, resuming, and distributing the domains carried strife into every burgess-community, and even into the allied Italian towns.

Further plans of Gracchus.

The aristocracy made no secret that, while they would acquiesce perhaps in the law because they could not do otherwise, the officious legislator should never escape their vengeance; and the announcement of Quintus Pompeius.

that he would impeach Gracchus on the very day of his resigning his tribunate, was far from being the worst of the threats thrown out against the tribune. Gracchus believed, probably with reason, that his personal safety was imperilled, and no longer appeared in the Forum without a retinue of 3000 or 4000 men—a step which drew down on him bitter expressions in the senate, even from Metellus who was not averse to reform in itself. Altogether, if he had expected to reach the goal by the carrying of his agrarian law, he had now to learn that he was only at the starting-point. The "people" owed him gratitude; but he was a lost man, if he had no farther protection than this gratitude of the people, if he did not continue indispensable to them and did not constantly attach to himself fresh interests and hopes by means of other and more comprehensive proposals. Just at that time the kingdom and wealth of the Attalids had fallen to the Romans by the testament of the last king of Pergamus (p. 278); Gracchus proposed to the people that the Pergamene treasure should be distributed among the new landholders for the procuring of the requisite implements and stock, and vindicated generally, in opposition to the existing practice, the right of the burgesses to decide definitively as to the new province. He is said to have prepared farther popular measures, for shortening the period of service, for extending the right of appeal, for abolishing the prerogative of the senators exclusively to do duty as civil jurymen, and even for the admission of the Italian allies to Roman citizenship. How far his projects in reality reached, cannot be ascertained; this alone is certain, that Gracchus saw that his only safety lay in inducing the burgesses to confer on him for a second year the office which protected him, and that, with a view to obtain this unconstitutional prolongation, he held forth a prospect of further reforms. If at first he had risked himself in order to save the commonwealth, he was

now obliged to put the commonwealth at stake in order to his own safety.

He solicits re-election to the tribunate.

The tribes met to elect the tribunes for the ensuing year, and the first divisions gave their votes for Gracchus; but the opposite party in the end prevailed with their veto, so far at least that the assembly broke up without having accomplished its object, and the decision was postponed to the following day. For this day Gracchus put in motion all means legitimate and illegitimate; he appeared to the people dressed in mourning, and commended to them his youthful son; anticipating that the election would once more be disturbed by the veto, he made provision for expelling the adherents of the aristocracy by force from the place of assembly in front of the Capitoline temple. So the second day of election came on; the votes fell as on the preceding day, and again the veto was exercised; the tumult began. The burgesses dispersed; the elective assembly was practically dissolved; the Capitoline temple was closed; it was rumoured in the city, now that Tiberius had deposed all the tribunes, now that he had resolved to continue his magistracy without re-election.

Death of Gracchus.

The senate assembled in the temple of Fidelity, close by the temple of Jupiter; the bitterest opponents of Gracchus spoke in the sitting; when Tiberius moved his hand towards his forehead to signify to the people, amidst the wild tumult, that his head was in danger, it was said that he was already summoning the people to adorn his brow with the regal chaplet. The consul Scaevola was urged to have the traitor put to death at once. When that temperate man, by no means averse to reform in itself, indignantly refused the equally irrational and barbarous request, the consular Publius Scipio Nasica, a harsh and vehement aristocrat, summoned those who shared his views to arm themselves as they could and to follow him. Almost none of the country people had come into town

for the elections; the people of the city timidly gave way, when they saw men of quality rushing along with fury in their eyes, and legs of chairs and clubs in their hands. Gracchus attempted with a few attendants to escape. But in his flight he fell on the slope of the Capitol, and was killed by a blow on the temples from the bludgeon of one of his furious pursuers—Publius Satureius and Lucius Rufus afterwards contested the infamous honour—before the statues of the seven kings at the temple of Fidelity; with him three hundred others were slain, not one by weapons of iron. When evening had come on, the bodies were thrown into the Tiber; Gaius vainly entreated that the corpse of his brother might be granted to him for burial. Such a day had never before been seen by Rome. The party-strife lasting for more than a century during the first social crisis had led to no such catastrophe as that with which the second began. The better portion of the aristocracy might shudder, but they could no longer recede. They had no choice save to abandon a great number of their most trusty partisans to the vengeance of the multitude, or to assume collectively the responsibility of the outrage: the latter course was adopted. They gave official sanction to the assertion that Gracchus had wished to seize the crown, and justified this latest crime by the primitive precedent of Ahala (i. 376); in fact, they even committed the duty of further investigation as to the accomplices of Gracchus to a special commission and made its head, the consul Publius Popillius, take care that a sort of legal stamp should be supplementarily impressed on the murder of Gracchus by bloody sentences directed against a large
132. number of inferior persons (622). Nasica, against whom above all others the multitude breathed vengeance, and who had at least the courage openly to avow his deed before the people and to defend it, was under honourable
130. pretexts despatched to Asia, and soon afterwards (624) in-

vested, during his absence, with the office of Pontifex Maximus. Nor did the moderate party dissociate themselves from these proceedings of their colleagues. Gaius Laelius bore a part in the investigations adverse to the partisans of Gracchus; Publius Scaevola, who had attempted to prevent the murder, afterwards defended it in the senate; when Scipio Aemilianus, after his return from Spain (622), 132. was challenged publicly to declare whether he did or did not approve the killing of his brother-in-law, he gave the at least ambiguous reply that, so far as Tiberius had aspired to the crown, he had been justly put to death.

The domain question viewed in itself.

Let us endeavour to form a judgment regarding these momentous events. The appointment of an official commission, which had to counteract the dangerous diminution of the farmer-class by the comprehensive establishment of new small holdings from the whole Italian landed property at the disposal of the state, was doubtless no sign of a healthy condition of the national economy; but it was, under the existing circumstances political and social, suited to its purpose. The distribution of the domains, moreover, was in itself no political party-question; it might have been carried out to the last sod without changing the existing constitution or at all shaking the government of the aristocracy. As little could there be, in that case, any complaint of a violation of rights. The state was confessedly the owner of the occupied land; the holder as a possessor on mere sufferance could not, as a rule, ascribe to himself even a *bonâ fide* proprietary tenure, and, in the exceptional instances where he could do so, he was confronted by the fact that by the Roman law prescription did not run against the state. The distribution of the domains was not an abolition, but an exercise, of the right of property; all jurists were agreed as to its formal legality. But the attempt now to carry out these legal claims of the state was far from being politically warranted by the

circumstance that the distribution of the domains neither infringed the existing constitution nor involved a violation of right. Such objections as have been now and then raised in our day, when a great landlord suddenly begins to assert in all their compass claims belonging to him in law but suffered for a long period to lie dormant in practice, might with equal and better right be advanced against the rogation of Gracchus. These occupied domains had been undeniably in heritable private possession, some of them for three hundred years; the state's proprietorship of the soil, which from its very nature loses more readily than that of the burgess the character of a private right, had in the case of these lands become virtually extinct, and the present holders had universally come to their possessions by purchase or other onerous acquisition. The jurist might say what he would; to men of business the measure appeared to be an ejection of the great landholders for the benefit of the agricultural proletariate; and in fact no statesman could give it any other name. That the leading men of the Catonian epoch formed no other judgment, is very clearly shown by their treatment of a similar case that occurred in their time. The territory of Capua and the
211. neighbouring towns, which was annexed as domain in 543, had for the most part practically passed into private possession during the following unsettled times. In the last years of the sixth century, when in various respects, especially through the influence of Cato, the reins of government were drawn tighter, the burgesses resolved to resume the Campanian territory and to let it out for the
172. benefit of the treasury (582). The possession in this instance rested on an occupation justified not by previous invitation but at the most by the connivance of the authorities, and had continued in no case much beyond a generation; but the holders were not dispossessed except in consideration of a compensatory sum disbursed under

the orders of the senate by the urban praetor Publius Lentulus (*c.* 589).[1] Less objectionable perhaps, but still not without hazard, was the arrangement by which the new allotments bore the character of heritable leaseholds and were inalienable. The most liberal principles in regard to freedom of dealing had made Rome great; and it was very little consonant to the spirit of the Roman institutions, that these new farmers were peremptorily bound down to cultivate their portions of land in a definite manner, and that their allotments were subject to rights of revocation and all the cramping measures associated with commercial restriction. 165.

It will be granted that these objections to the Sempronian agrarian law were of no small weight. Yet they are not decisive. Such a practical eviction of the holders of the domains was certainly a great evil; yet it was the only means of checking, at least for a long time, an evil much greater still and in fact directly destructive to the state—the decline of the Italian farmer-class. We can well understand therefore why the most distinguished and patriotic men even of the conservative party, headed by Gaius Laelius and Scipio Aemilianus, approved and desired the distribution of the domains viewed in itself.

The domain question before the burgesses.

But, if the aim of Tiberius Gracchus probably appeared to the great majority of the discerning friends of their country good and salutary, the method which he adopted, on the other hand, did not and could not meet with the approval of a single man of note and of patriotism. Rome about this period was governed by the senate. Any one who carried a measure of administration against the majority

[1] This fact, hitherto only partially known from Cicero (*De L. Agr.* ii. 31, 82; comp. Liv. xlii. 2, 19), is now more fully established by the fragments of Licinianus, p. 4. The two accounts are to be combined to this effect, that Lentulus ejected the possessors in consideration of a compensatory sum fixed by him, but accomplished nothing with real landowners, as he was not entitled to dispossess them and they would not consent to sell.

of the senate made a revolution. It was revolution against the spirit of the constitution, when Gracchus submitted the domain question to the people; and revolution also against the letter, when he destroyed not only for the moment but for all time coming the tribunician veto—the corrective of the state machine, through which the senate constitutionally got rid of interferences with its government—by the deposition of his colleague, which he justified with unworthy sophistry. But it was not in this step that the moral and political mistake of the action of Gracchus lay. There are no set forms of high treason in history; whoever provokes one power in the state to conflict with another is certainly a revolutionist, but he may be at the same time a discerning and praiseworthy statesman. The essential defect of the Gracchan revolution lay in a fact only too frequently overlooked—in the nature of the then existing burgess-assemblies. The agrarian law of Spurius Cassius (i. 361) and that of Tiberius Gracchus had in the main the same tenor and the same object; but the enterprises of the two men were as different, as the former Roman burgess-body which shared the Volscian spoil with the Latins and Hernici was different from the present which erected the provinces of Asia and Africa. The former was an urban community, which could meet together and act together; the latter was a great state, as to which the attempt to unite those belonging to it in one and the same primary assembly, and to leave to this assembly the decision, yielded a result as lamentable as it was ridiculous (p. 38). The fundamental defect of the policy of antiquity—that it never fully advanced from the urban form of constitution to that of a state or, which is the same thing, from the system of primary assemblies to a parliamentary system—in this case avenged itself. The sovereign assembly of Rome was what the sovereign assembly in England would be, if instead of sending representatives all the electors

of England should meet together as a parliament—an unwieldy mass, wildly agitated by all interests and all passions, in which intelligence was totally lost; a body, which was neither able to take a comprehensive view of things nor even to form a resolution of its own; a body above all, in which, saving in rare exceptional cases, a couple of hundred or thousand individuals accidentally picked up from the streets of the capital acted and voted in name of the burgesses. The burgesses found themselves, as a rule, nearly as satisfactorily represented by their *de facto* representatives in the tribes and centuries as by the thirty lictors who *de jure* represented them in the curies; and just as what was called the decree of the curies was nothing but a decree of the magistrate who convoked the lictors, so the decree of the tribes and centuries at this time was in substance simply a decree of the proposing magistrate, legalised by some consentients indispensable for the occasion. But while in these voting-assemblies, the *comitia*, though they were far from dealing strictly in the matter of qualification, it was on the whole burgesses alone that appeared, in the mere popular assemblages on the other hand—the *contiones*—every one in the shape of a man was entitled to take his place and to shout, Egyptians and Jews, street-boys and slaves. Such a "meeting" certainly had no significance in the eyes of the law; it could neither vote nor decree. But it practically ruled the street, and already the opinion of the street was a power in Rome, so that it was of some importance whether this confused mass received the communications made to it with silence or shouts, whether it applauded and rejoiced or hissed and howled at the orator. Not many had the courage to lord it over the populace as Scipio Aemilianus did, when they hissed him on account of his expression as to the death of his brother-in-law. "Ye," he said, "to whom Italy is not mother but step-mother, ought to keep

silence!" and when their fury grew still louder, "Surely you do not think that I will fear those let loose, whom I have sent in chains to the slave-market?"

That the rusty machinery of the comitia should be made use of for the elections and for legislation, was already bad enough. But when those masses—the *comitia* primarily, and practically also the *contiones*—were permitted to interfere in the administration, and the instrument which the senate employed to prevent such interferences was wrested out of its hands; when this so-called burgess-body was allowed to decree to itself lands along with all their appurtenances out of the public purse; when any one, whom circumstances and his influence with the proletariate enabled to command the streets for a few hours, found it possible to impress on his projects the legal stamp of the sovereign people's will, Rome had reached not the beginning, but the end of popular freedom—had arrived not at democracy, but at monarchy. For that reason in the previous period Cato and those who shared his views never brought such questions before the burgesses, but discussed them solely in the senate (p. 59). For that reason contemporaries of Gracchus, the men of the Scipionic circle, described the
232. Flaminian agrarian law of 522—the first step in that fatal career—as the beginning of the decline of Roman greatness. For that reason they allowed the author of the domain-distribution to fall, and saw in his dreadful end, as it were, a rampart against similar attempts in future, while yet they maintained and turned to account with all their energy the domain-distribution itself which he had carried through—so sad was the state of things in Rome, that honest patriots were forced into the horrible hypocrisy of abandoning the evil-doer and yet appropriating the fruit of the evil deed. For that reason too the opponents of Gracchus were in a certain sense not wrong, when they accused him of aspiring to the crown. For him it is a fresh impeachment rather

than a justification, that he himself was probably a stranger to any such thought. The aristocratic government was so thoroughly pernicious, that the citizen, who was able to depose the senate and to put himself in its place, might perhaps benefit the commonwealth more than he injured it.

Results.

But such a bold player Tiberius Gracchus was not. He was a tolerably capable, thoroughly well-meaning, conservative patriot, who simply did not know what he was doing; who in the fullest belief that he was calling the people evoked the rabble, and grasped at the crown without being himself aware of it, until the inexorable sequence of events urged him irresistibly into the career of the demagogue-tyrant; until the family commission, the interferences with the public finances, the further "reforms" exacted by necessity and despair, the bodyguard from the pavement, and the conflicts in the streets betrayed the lamentable usurper more and more clearly to himself and others; until at length the unchained spirits of revolution seized and devoured the incapable conjurer. The infamous butchery, through which he perished, condemns itself, as it condemns the aristocratic faction whence it issued; but the glory of martyrdom, with which it has embellished the name of Tiberius Gracchus, came in this instance, as usually, to the wrong man. The best of his contemporaries judged otherwise. When the catastrophe was announced to Scipio Aemilianus, he uttered the words of Homer:

"Ὡς ἀπόλοιτο καὶ ἄλλος, ὅτις τοιαῦτά γε ῥέζοι·

and when the younger brother of Tiberius seemed disposed to come forward in the same career, his own mother wrote to him: "Shall then our house have no end of madness? where shall be the limit? have we not yet enough to be ashamed of, in having confused and disorganized the state?" So spoke not the anxious mother, but the daughter of the conqueror of Carthage, who knew and experienced a misfortune yet greater than the death of her children.

CHAPTER III

THE REVOLUTION AND GAIUS GRACCHUS

The commission for distributing the domains.

TIBERIUS GRACCHUS was dead; but his two works, the distribution of land and the revolution, survived their author. In presence of the starving agricultural proletariate the senate might venture on a murder, but it could not make use of that murder to annul the Sempronian agrarian law; the law itself had been far more strengthened than shaken by the frantic outbreak of party fury. The party of the aristocracy friendly towards reform, which openly favoured the distribution of the domains—headed by Quintus
131. Metellus, just about this time (623) censor, and Publius Scaevola—in concert with the party of Scipio Aemilianus, which was at least not disinclined to reform, gained the upper hand for the time being even in the senate; and a decree of the senate expressly directed the triumvirs to begin their labours. According to the Sempronian law these were to be nominated annually by the community, and this was probably done: but from the nature of their task it was natural that the election should fall again and again on the same men, and new elections in the proper sense occurred only when a place became vacant through death. Thus in the place of Tiberius Gracchus there was appointed the father-in-law of his brother Gaius, Publius Crassus
130. Mucianus; and after the fall of Mucianus in 624 (p. 279) and the death of Appius Claudius, the business of distribu-

tion was managed in concert with the young Gaius Gracchus by two of the most active leaders of the movement party, Marcus Fulvius Flaccus and Gaius Papirius Carbo. The very names of these men are vouchers that the work of resuming and distributing the occupied domain-land was prosecuted with zeal and energy; and, in fact, proofs to that effect are not wanting. As early as 622 the consul of that year, Publius Popillius, the same who directed the prosecutions of the adherents of Tiberius Gracchus, recorded on a public monument that he was "the first who had turned the shepherds out of the domains and installed farmers in their stead"; and tradition otherwise affirms that the distribution extended over all Italy, and that in the formerly existing communities the number of farms was everywhere augmented—for it was the design of the Sempronian agrarian law to elevate the farmer-class not by the founding of new communities, but by the strengthening of those already in existence. The extent and the comprehensive effect of these distributions are attested by the numerous arrangements in the Roman art of land-measuring that go back to the Gracchan assignations of land; for instance, a due placing of boundary-stones so as to obviate future mistakes appears to have been first called into existence by the Gracchan courts for demarcation and the land-distributions. But the numbers on the burgess-rolls give the clearest evidence. The census, which was published in 623 and actually took place probably in the beginning of 622, yielded not more than 319,000 burgesses capable of bearing arms, whereas six years afterwards (629) in place of the previous falling-off (p. 314) the number rises to 395,000, that is 76,000 of an increase—beyond all doubt solely in consequence of what the allotment-commission did for the Roman burgesses. Whether it multiplied the farms among the Italians in the same proportion may be doubted; at any rate what it did accomplish yielded

182.

131.
132.
125.

a great and beneficent result. It is true that this result was not achieved without various violations of respectable interests and existing rights. The allotment-commission, composed of the most decided partisans, and absolute judge in its own cause, proceeded with its labours in a reckless and even tumultuary fashion; public notices summoned every one, who was able, to give information regarding the extent of the domain-lands; the old land-registers were inexorably referred to, and not only was occupation new and old revoked without distinction, but in various cases real private property, as to which the holder was unable satisfactorily to prove his tenure, was included in the confiscation. Loud and for the most part well founded as were the complaints, the senate allowed the distributors to pursue their course; it was clear that, if the domain question was to be settled at all, the matter could not be carried through without such unceremonious vigour of action.

Its suspension by Scipio Aemilianus.

But this acquiescence had its limit. The Italian domain-land was not solely in the hands of Roman burgesses; large tracts of it had been assigned in exclusive usufruct to particular allied communities by decrees of the people or senate, and other portions had been occupied with or without permission by Latin burgesses. The allotment-commission at length attacked these possessions also. The resumption of the portions simply occupied by non-burgesses was no doubt allowable in formal law, and not less presumably the resumption of the domain-land handed over by decrees of the senate or even by resolutions of the burgesses to the Italian communities, since thereby the state by no means renounced its ownership and to all appearance gave its grants to communities, just as to private persons, subject to revocation. But the complaints of these allied or subject communities, that Rome did not keep the settlements that were in force, could not be simply disregarded like the

complaints of the Roman citizens injured by the action of the commissioners. Legally the former might be no better founded than the latter; but, while in the latter case the matter at stake was the private interests of members of the state, in reference to the Latin possessions the question arose, whether it was politically right to give fresh offence to communities so important in a military point of view and already so greatly estranged from Rome by numerous disabilities *ae jure* and *de facto* (ii. 352 *et seq.*) through this keenly-felt injury to their material interests. The decision lay in the hands of the middle party; it was that party which after the fall of Gracchus had, in league with his adherents, protected reform against the oligarchy, and it alone was now able in concert with the oligarchy to set a limit to reform. The Latins resorted personally to the most prominent man of this party, Scipio Aemilianus, with a request that he would protect their rights. He promised to do so; and mainly through his influence,[1] in 625, a 129.
decree of the people withdrew from the commission its jurisdiction, and remitted the decision respecting what were domanial and what private possessions to the censors and, as proxies for them, the consuls, to whom according to the general principles of law it pertained. This was simply a suspension of further domain-distribution under a mild form. The consul Tuditanus, by no means Gracchan in his views and little inclined to occupy himself with the difficult task of agrarian definition, embraced the opportunity of going off to the Illyrian army and leaving the duty entrusted to him unfulfilled. The allotment-commission no doubt continued to subslst, but, as the judicial regulation of the domain-land was at a standstill, it was compelled to remain inactive.

[1] To this occasion belongs his oration *contra legem iudiciariam Ti. Gracchi*—which we are to understand as referring not, as has been asserted, to a law as to the *iudicia publica*, but to the supplementary law annexed to his agrarian rogation: *ut triumviri iudicarent, qua publicus ager, qua privatus esset* (Liv. *Ep.* lviii.; see p. 320 above).

Assassination of Aemilianus.

The reform-party was deeply indignant. Even men like Publius Mucius and Quintus Metellus disapproved of the intervention of Scipio. Other circles were not content with expressing disapproval. Scipio had announced for one of the following days an address respecting the relations of the Latins; on the morning of that day he was found dead in his bed. He was but fifty-six years of age, and in full health and vigour; he had spoken in public the day before, and then in the evening had retired earlier than usual to his bedchamber with a view to prepare the outline of his speech for the following day. That he had been the victim of a political assassination, cannot be doubted; he himself shortly before had publicly mentioned the plots formed to murder him. What assassin's hand had during the night slain the first statesman and the first general of his age, was never discovered; and it does not become history either to repeat the reports handed down from the contemporary gossip of the city, or to set about the childish attempt to ascertain the truth out of such materials. This much only is clear, that the instigator of the deed must have belonged to the Gracchan party; the assassination of Scipio was the democratic reply to the aristocratic massacre at the temple of Fidelity. The tribunals did not interfere. The popular party, justly fearing that its leaders Gaius Gracchus, Flaccus, and Carbo, whether guilty or not, might be involved in the prosecution, opposed with all its might the institution of an inquiry; and the aristocracy, which lost in Scipio quite as much an antagonist as an ally, was not unwilling to let the matter sleep. The multitude and men of moderate views were shocked; none more so than Quintus Metellus, who had disapproved of Scipio's interference against reform, but turned away with horror from such confederates, and ordered his four sons to carry the bier of his great antagonist to the funeral pile. The funeral was hurried over; with veiled head the last of the family of the conqueror of Zama was

borne forth, without any one having been previously allowed to see the face of the deceased, and the flames of the funeral pile consumed with the remains of the illustrious man the traces at the same time of the crime.

The history of Rome presents various men of greater genius than Scipio Aemilianus, but none equalling him in moral purity, in the utter absence of political selfishness, in generous love of his country, and none, perhaps, to whom destiny has assigned a more tragic part. Conscious of the best intentions and of no common abilities, he was doomed to see the ruin of his country carried out before his eyes, and to repress within him every earnest attempt to save it, because he clearly perceived that he should only thereby make the evil worse; doomed to the necessity of sanctioning outrages like that of Nasica, and at the same time of defending the work of the victim against his murderers. Yet he might say that he had not lived in vain. It was to him, at least quite as much as to the author of the Sempronian law, that the Roman burgesses were indebted for an increase of nearly 80,000 new farm-allotments; he it was too who put a stop to this distribution of the domains, when it had produced such benefit as it could produce. That it was time to break it off, was no doubt disputed at the moment even by well-meaning men; but the fact that Gaius Gracchus did not seriously recur to those possessions which might have been, and yet were not, distributed under the law of his brother, tells very much in favour of the belief that Scipio hit substantially the right moment. Both measures were extorted from the parties—the first from the aristocracy, the second from the friends of reform; for each its author paid with his life. It was Scipio's lot to fight for his country on many a battle-field and to return home uninjured, that he might perish there by the hand of an assassin; but in his quiet chamber he no less died for Rome than if he had fallen before the walls of Carthage.

Democratic agitation under Carbo and Flaccus.

The distribution of land was at an end; the revolution went on. The revolutionary party, which possessed in the allotment-commission as it were a constituted leadership, had even in the lifetime of Scipio skirmished now and then with the existing government. Carbo, in particular, one of the most distinguished men of his time in oratorical talent,
131. had as tribune of the people in 623 given no small trouble to the senate; had carried voting by ballot in the burgess-assemblies, so far as it had not been introduced already (p. 300); and had even made the significant proposal to leave the tribunes of the people free to reappear as candidates for the same office in the year immediately following, and thus legally to remove the obstacle by which Tiberius Gracchus had primarily been thwarted. The scheme had been at that time frustrated by the resistance of Scipio; some years later, apparently after his death, the law was reintroduced and carried through, although with limiting clauses.[1] The principal object of the party, however, was to revive the action of the allotment-commission which had been practically suspended; the leaders seriously talked of removing the obstacles which the Italian allies interposed to the scheme by conferring on them the rights of citizenship, and the agitation assumed mainly that direction. In
126. order to meet it, the senate in 628 got the tribune of the people Marcus Junius Pennus to propose the dismissal of all non-burgesses from the capital, and in spite of the resistance of the democrats, particularly of Gaius Gracchus, and of the ferment occasioned by this odious measure in the Latin communities, the proposal was carried. Marcus
125. Fulvius Flaccus retorted in the following year (629) as consul with the proposal to facilitate the acquisition of

[1] The restriction, that the continuance should only be allowable if there was a want of other qualified candidates (Appian, B.C. i. 21), was not difficult of evasion. The law itself seems not to have belonged to the older regulations (*Staatsrecht*, i³. 473), but to have been introduced for the first time by the Gracchans.

burgess-rights by the burgesses of the allied communities, and to concede even to those who had not acquired them an appeal to the Roman comitia against penal judgments. But he stood almost alone—Carbo had meanwhile changed his colours and was now a zealous aristocrat, Gaius Gracchus was absent as quaestor in Sardinia—and the project was frustrated by the resistance not of the senate merely, but also of the burgesses, who were but little inclined to extend their privileges to still wider circles. Flaccus left Rome to undertake the supreme command against the Celts; by his Transalpine conquests he prepared the way for the great schemes of the democracy, while he at the same time withdrew out of the difficulty of having to bear arms against the allies instigated by himself.

Destruction of Fregellae.

Fregellae, situated on the borders of Latium and Campania at the principal passage of the Liris in the midst of a large and fertile territory, at that time perhaps the second city of Italy and in the discussions with Rome the usual mouthpiece of all the Latin colonies, began war against Rome in consequence of the rejection of the proposal brought in by Flaccus—the first instance which had occurred for a hundred and fifty years of a serious insurrection, not brought about by foreign powers, in Italy against the Roman hegemony. But on this occasion the fire was successfully extinguished before it had caught hold of other allied communities. Not through the superiority of the Roman arms, but through the treachery of a Fregellan Quintus Numitorius Pullus, the praetor Lucius Opimius quickly became master of the revolted city, which lost its civic privileges and its walls and was converted like Capua into a village. The colony of Fabrateria was founded on a part of its territory in 630; the remainder 124.
and the former city itself were distributed among the surrounding communities. This rapid and fearful punishment alarmed the allies, and endless impeachments for high

treason pursued not only the Fregellans, but also the leaders of the popular party in Rome, who naturally were regarded by the aristocracy as accomplices in this insurrection. Meanwhile Gaius Gracchus reappeared in Rome. The aristocracy had first sought to detain the object of their dread in Sardinia by omitting to provide the usual relief, and then, when without caring for that point he returned, had brought him to trial as one of the authors of the
125-124. Fregellan revolt (629–30). But the burgesses acquitted him; and now he too threw down the gauntlet, became a candidate for the tribuneship of the people, and was
123. nominated to that office for the year 631 in an elective assembly attended by unusual numbers. War was thus declared. The democratic party, always poor in leaders of ability, had from sheer necessity remained virtually at rest for nine years; now the truce was at an end, and this time it was headed by a man who, with more honesty than Carbo and with more talent than Flaccus, was in every respect called to take the lead.

153-121. Gaius Gracchus

Gaius Gracchus (601–633) was very different from his brother, who was about nine years older. Like the latter, he had no relish for vulgar pleasures and vulgar pursuits; he was a man of thorough culture and a brave soldier; he had served with distinction before Numantia under his brother-in-law, and afterwards in Sardinia. But in talent, in character, and above all in passion he was decidedly superior to Tiberius. The clearness and self-possession, which the young man afterwards displayed amidst the pressure of all the varied labours requisite for the practical carrying out of his numerous laws, betokened his genuine statesmanly talent; as the passionate devotedness faithful even to death, with which his intimate friends clung to him, evinced the loveable nature of that noble mind. The discipline of suffering which he had undergone, and his compulsory reserve during the last nine years, augmented

his energy of purpose and action; the indignation repressed within the depths of his breast only glowed there with an intensified fervour against the party which had disorganized his country and murdered his brother. By virtue of this fearful vehemence of temperament he became the foremost orator that Rome ever had; without it, we should probably have been able to reckon him among the first statesmen of all times. Among the few remains of his recorded orations several are, even in their present condition, of heart-stirring power;[1] and we can well understand how those who heard or even merely read them were carried away by the impetuous torrent of his words. Yet, great master as he was of speech, he was himself not unfrequently mastered by anger, so that the utterance of the brilliant speaker became confused or faltering. It was the true image of his political acting and suffering. In the nature of Gaius there was no vein, such as his brother had, of that somewhat sentimental but very short-sighted and confused good-nature, which would have desired to change the mind of a political opponent by entreaties and tears; with full assurance he entered on the career of revolution and strove to reach the goal of vengeance. "To me too," his mother wrote to him, "nothing seems finer and more glorious than to retaliate on an enemy, so far as it can be done without the country's ruin. But if this is not possible, then may our enemies continue and remain what they are, a thousand times rather than that our country should perish." Cornelia knew her son; his creed was just the reverse. Vengeance he would wreak on the wretched government, vengeance at any price,

[1] Such are the words spoken on the announcement of his projects of law:—"If I were to speak to you and ask of you—seeing that I am of noble descent and have lost my brother on your account, and that there is now no survivor of the descendants of Publius Africanus and Tiberius Gracchus excepting only myself and a boy—to allow me to take rest for the present, in order that our stock may not be extirpated and that an offset of this family may still survive; you would perhaps readily grant me such a request."

though he himself and even the commonwealth were to be ruined by it—the presentiment, that fate would overtake him as certainly as his brother, drove him only to make haste, like a man mortally wounded who throws himself on the foe. The mother thought more nobly; but the son—with his deeply provoked, passionately excited, thoroughly Italian nature—has been more lamented than blamed by posterity, and posterity has been right in its judgment.

Alterations on the constitution by Gaius Gracchus.

Tiberius Gracchus had come before the burgesses with a single administrative reform. What Gaius introduced in a series of separate proposals was nothing else than an entirely new constitution; the foundation-stone of which was furnished by the innovation previously carried through, that a tribune of the people should be at liberty to solicit re-election for the following year (p. 340). While this step enabled the popular chief to acquire a permanent position and one which protected its holder, the next object was to secure for him material power or, in other words, to attach the multitude of the capital—for that no reliance was to be placed on the country people coming only from time to time to the city, had been sufficiently apparent—with its interests steadfastly to its leader. This purpose was served, first of all, by introducing distributions of corn in the capital. The grain accruing to the state from the provincial tenths had already been frequently given away at nominal prices to the burgesses (p. 76). Gracchus enacted that every burgess who should personally present himself in the capital should thenceforth be allowed monthly a definite quantity—apparently 5 *modii* ($1\frac{1}{4}$ bushel)—from the public stores, at $6\frac{1}{3}$ *asses* (3*d.*) for the *modius*, or not quite the half of a low average price (p. 78, *note*); for which purpose the public corn-stores were enlarged by the construction of the new Sempronian granaries. This distribution—which consequently excluded the burgesses living out of the capital, and could not but attract to Rome the whole mass of the burgess-proletariate—was designed to

Distribution of grain.

bring the burgess-proletariate of the capital, which hitherto had mainly depended on the aristocracy, into dependence on the leaders of the movement-party, and thus to supply the new master of the state at once with a body-guard and with a firm majority in the comitia. For greater security as regards the latter, moreover, the order of voting still subsisting in the *comitia centuriata*, according to which the five property-classes in each tribe gave their votes one after another (p. 51), was done away; instead of this, all the centuries were in future to vote promiscuously in an order of succession to be fixed on each occasion by lot. While these enactments were mainly designed to procure for the new chief of the state by means of the city-proletariate the complete command of the capital and thereby of the state, the amplest control over the comitial machinery, and the possibility in case of need of striking terror into the senate and magistrates, the legislator certainly at the same time set himself with earnestness and energy to redress the existing social evils.

Change in the order of voting.

It is true that the Italian domain question was in a certain sense settled. The agrarian law of Tiberius and even the allotment-commission still continued legally in force; the agrarian law carried by Gracchus can have enacted nothing new save the restoration to the commissioners of the jurisdiction which they had lost. That the object of this step was only to save the principle, and that the distribution of lands, if resumed at all, was resumed only to a very limited extent, is shown by the burgess-roll, which gives exactly the same number of persons for the years 629 and 639. Gaius beyond doubt did not proceed further in this matter, because the domain-land taken into possession by Roman burgesses was already in substance distributed, and the question as to the domains enjoyed by the Latins could only be taken up anew in connection with the very difficult question as to the extension of Roman citizenship. On the other hand he took an important step beyond the

Agrarian laws.

125.

115.

Colony of Capua.

agrarian law of Tiberius, when he proposed the establishment of colonies in Italy—at Tarentum, and more especially at Capua—and by that course rendered the domain-land, which had been let on lease by the state and was hitherto excluded from distribution, liable to be also parcelled out, not, however, according to the previous method, which excluded the founding of new communities (p. 335), but according to the colonial system. Beyond doubt these colonies were also designed to aid in permanently defending the revolution to which they owed their existence. Still more significant and momentous was the measure, by which Gaius Gracchus first proceeded to provide for the Italian proletariate in the transmarine territories of the state. He despatched to the site on which Carthage had stood 6000 colonists selected perhaps not merely from Roman burgesses but also from the Italian allies, and conferred on the new town Junonia the rights of a Roman burgess-colony. The foundation was important, but still more important was the principle of transmarine emigration thereby laid down. It opened up for the Italian proletariate a permanent outlet, and a relief in fact more than provisional; but it certainly abandoned the principle of state-law hitherto in force, by which Italy was regarded as exclusively the governing, and the provincial territory as exclusively the governed, land.

Transmarine colonization.

Modifications of the penal law.

To these measures having immediate reference to the great question of the proletariate there was added a series of enactments, which arose out of the general tendency to introduce principles milder and more accordant with the spirit of the age than the antiquated severity of the existing constitution. To this head belong the modifications in the military system. As to the length of the period of service there existed under the ancient law no other limit, except that no citizen was liable to ordinary service in the field before completing his seventeenth or after completing his forty-sixth year. When, in consequence of the occupation

of Spain, the service began to become permanent (ii. 389), it seems to have been first legally enacted that any one who had been in the field for six successive years acquired thereby a right to discharge, although this discharge did not protect him from being called out again afterwards. At a later period, perhaps about the beginning of this century, the rule arose, that a service of twenty years in the infantry or ten years in the cavalry gave exemption from further military service.[1] Gracchus renewed the rule—which presumably was often violently infringed—that no burgess should be enlisted in the army before the commencement of his eighteenth year; and also, apparently, restricted the number of campaigns requisite for full exemption from military duty. Besides, the clothing of the soldiers, the value of which had hitherto been deducted from their pay, was henceforward furnished gratuitously by the state.

To this head belongs, moreover, the tendency which is on various occasions apparent in the Gracchan legislation, if not to abolish capital punishment, at any rate to restrict it still further than had been done before—a tendency, which to some extent made itself felt even in military jurisdiction. From the very introduction of the republic the magistrate had lost the right of inflicting capital punishment on the burgess without consulting the community, except under martial law (i. 320; ii. 68); if this right of appeal by the burgess appears soon after the period of the Gracchi available even in the camp, and the right of the general to inflict capital punishments appears restricted to allies and

[1] Thus the statement of Appian (*Hisp.* 78) that six years' service entitled a man to demand his discharge, may perhaps be reconciled with the better known statement of Polybius (vi. 19), respecting which Marquardt (*Handbuch*, vi. 381) has formed a correct judgment. The time, at which the two alterations were introduced, cannot be determined further, than that the first was probably in existence as early as 603 (Nitzsch, *Gracchen*, p. 231), and 151.
the second certainly as early as the time of Polybius. That Gracchus reduced the number of the legal years of service, seems to follow from Asconius *in Cornel.* p. 68; comp. Plutarch, *Ti. Gracch.* 16; Dio, *Fr.* 83, 7, Bekk.

subjects, the source of the change is probably to be sought in the law of Gaius Gracchus *de provocatione*. But the right of the community to inflict or rather to confirm sentence of death was indirectly yet essentially limited by the fact, that Gracchus withdrew the cognizance of those public crimes which most frequently gave occasion to capital sentences—poisoning and murder generally—from the burgesses, and entrusted it to permanent judicial commissions. These could not, like the tribunals of the people, be broken up by the intercession of a tribune, and there not only lay no appeal from them to the community, but their sentences were as little subject to be annulled by the community as those of the long-established civil jurymen. In the burgess-tribunals it had, especially in strictly political processes, no doubt long been the rule that the accused remained at liberty during his trial, and was allowed by surrendering his burgess-rights to save at least life and freedom; for the fine laid on property, as well as the civil condemnation, might still affect even the exiled. But preliminary arrest and complete execution of the sentence remained in such cases at least legally possible, and were still sometimes carried into effect even against persons of rank; for instance,
142. Lucius Hostilius Tubulus, praetor of 612, who was capitally impeached for a heinous crime, was refused the privilege of exile, arrested, and executed. On the other hand the judicial commissions, which originated out of the civil procedure, probably could not at the outset touch the liberty or life of the citizen, but at the most could only pronounce sentence of exile; this, which had hitherto been a mitigation of punishment accorded to one who was found guilty, now became for the first time a formal penalty. This involuntary exile however, like the voluntary, left to the person banished his property, so far as it was not exhausted in satisfying claims for compensation and money-fines.

Lastly, in the matter of debt Gaius Gracchus made no

alteration; but very respectable authorities assert that he held out to those in debt the hope of a diminution or remission of claims—which, if it is correct, must likewise be reckoned among those radically popular measures.

Elevation of the equestrian order.

While Gracchus thus leaned on the support of the multitude, which partly expected, partly received from him a material improvement of its position, he laboured with equal energy at the ruin of the aristocracy. Perceiving clearly how insecure was the rule of the head of the state built merely on the proletariate, he applied himself above all to split the aristocracy and to draw a part of it over to his interests. The elements of such a rupture were already in existence. The aristocracy of the rich, which had risen as one man against Tiberius Gracchus, consisted in fact of two essentially dissimilar bodies, which may be in some measure compared to the peerage and the city aristocracy of England. The one embraced the practically closed circle of the governing senatorial families who kept aloof from direct speculation and invested their immense capital partly in landed property, partly as sleeping partners in the great associations. The core of the second class was composed of the speculators, who, as managers of these companies, or on their own account, conducted the large mercantile and pecuniary transactions throughout the range of the Roman hegemony. We have already shown (p. 93 *ff.*) how the latter class, especially in the course of the sixth century, gradually took its place by the side of the senatorial aristocracy, and how the legal exclusion of the senators from mercantile pursuits by the Claudian enactment, suggested by Gaius Flaminius the precursor of the Gracchi, drew an outward line of demarcation between the senators and the mercantile and moneyed men. In the present epoch the mercantile aristocracy began, under the name of the *equites*, to exercise a decisive influence in political affairs. This appellation, which originally belonged only to the burgess-

cavalry on service, came gradually to be transferred, at any rate in ordinary use, to all those who, as possessors of an estate of at least 400,000 sesterces, were liable to cavalry service in general, and thus comprehended the whole of the upper society, senatorial and non-senatorial, in Rome. But not long before the time of Gaius Gracchus the law had declared a seat in the senate incompatible with service in the cavalry (p. 300), and the senators were thus eliminated from those qualified to be equites; and accordingly the equestrian order, taken as a whole, might be regarded as representing the aristocracy of speculators in contradistinction to the senate. Nevertheless those members of senatorial families who had not entered the senate, especially the younger members, did not cease to serve as equites and consequently to bear the name; and, in fact, the burgess-cavalry properly so called—that is, the eighteen equestrian centuries—in consequence of being made up by the censors continued to be chiefly filled up from the young senatorial aristocracy (p. 11).

This order of the equites—that is to say, substantially, of the wealthy merchants—in various ways came roughly into contact with the governing senate. There was a natural antipathy between the genteel aristocrats and the men to whom money had brought rank. The ruling lords, especially the better class of them, stood just as much aloof from speculations, as the men of material interests were indifferent to political questions and coterie-feuds. The two classes had already frequently come into sharp collision, particularly in the provinces; for, though in general the provincials had far more reason than the Roman capitalists had to complain of the partiality of the Roman magistrates, yet the ruling lords of the senate did not lend countenance to the greedy and unjust doings of the moneyed men, at the expense of the subjects, so thoroughly and absolutely as those capitalists desired. In spite of their

concord in opposing a common foe such as was Tiberius Gracchus, a deep gulf lay between the nobility and the moneyed aristocracy; and Gaius, more adroit than his brother, enlarged it till the alliance was broken up and the mercantile class ranged itself on his side.

Insignia of the equites.

That the external privileges, through which afterwards the men of equestrian census were distinguished from the rest of the multitude—the golden finger-ring instead of the ordinary ring of iron or copper, and the separate and better place at the burgess-festivals—were first conferred on the equites by Gaius Gracchus, is not certain, but is not improbable. For they emerged at any rate about this period, and, as the extension of these hitherto mainly senatorial privileges (pp. 5, 16) to the equestrian order which he brought into prominence was quite in the style of Gracchus, so it was in very truth his aim to impress on the equites the stamp of an order, similarly close and privileged, intermediate between the senatorial aristocracy and the common multitude; and this same aim was more promoted by those class-insignia, trifling though they were in themselves and though many qualified to be equites might not avail themselves of them, than by many an ordinance far more intrinsically important. But the party of material interests, though it by no means despised such honours, was yet not to be gained through these alone. Gracchus perceived well that it would doubtless duly fall to the highest bidder, but that it needed a high and substantial bidding; and so he offered to it the revenues of Asia and the jury courts.

Taxation of Asia.

The system of Roman financial administration, under which the indirect taxes as well as the domain-revenues were levied by means of middlemen, in itself granted to the Roman capitalist-class the most extensive advantages at the expense of those liable to taxation. But the direct taxes consisted either, as in most provinces, of fixed sums of money payable by the communities—which of itself

excluded the intervention of Roman capitalists—or, as in Sicily and Sardinia, of a ground-tenth, the levying of which for each particular community was leased in the provinces themselves, so that wealthy provincials regularly, and the tributary communities themselves very frequently, farmed the tenth of their districts and thereby kept at a distance the dangerous Roman middlemen. Six years before, when the province of Asia had fallen to the Romans, the senate had organized it substantially according to the first system (p. 280). Gaius Gracchus[1] overturned this arrangement by a decree of the people, and not only burdened the province, which had hitherto been almost free from taxation, with the most extensive indirect and direct taxes, particularly the ground-tenth, but also enacted that these taxes should be exposed to auction for the province as a whole and in Rome—a rule which practically excluded the provincials from participation, and called into existence in the body of middlemen for the *decumae*, *scriptura*, and *vectigalia* of the province of Asia an association of capitalists of colossal magnitude. A significant indication, moreover, of the endeavour of Gracchus to make the order of capitalists independent of the senate was the enactment, that the entire or partial remission of the stipulated rent was no longer, as hitherto, to be granted by the senate at discretion, but was under definite contingencies to be accorded by law.

Jury courts.

While a gold mine was thus opened for the mercantile class, and the members of the new partnership constituted a great financial power imposing even for the government—a "senate of merchants"—a definite sphere of public action was at the same time assigned to them in the jury courts. The field of the criminal procedure, which by

[1] That he, and not Tiberius, was the author of this law, now appears from Fronto in the letters to Verus, *init.* Comp. Gracchus *ap.* Gell. xi. 10; Cic. *de. Rep.* iii. 29, and *Verr.* iii. 6, 12; Vellei. ii. 6.

right came before the burgesses, was among the Romans from the first very narrow, and was, as we have already stated (p. 348), still further narrowed by Gracchus; most processes—both such as related to public crimes, and civil causes—were decided either by single jurymen [*iudices*], or by commissions partly permanent, partly extraordinary. Hitherto both the former and the latter had been exclusively taken from the senate; Gracchus transferred the functions of jurymen—both in strictly civil processes, and in the case of the standing and temporary commissions—to the equestrian order, directing a new list of jurymen to be annually formed after the analogy of the equestrian centuries from all persons of equestrian rating, and excluding the senators directly, and the young men of senatorial families by the fixing of a certain limit of age, from such judicial functions.[1] It is not improbable that the selection of jurymen was chiefly made to fall on the same men who played the leading part in the great mercantile associations, particularly those farming the revenues in Asia and elsewhere, just because these had a very close personal interest in sitting in the courts; and, if the lists of jurymen and the societies of *publicani* thus coincided as regards their chiefs, we can all the better understand the significance of the counter-senate thus constituted. The substantial effect of this was, that, while hitherto there had been only two authorities in the state—the government as the administering and controlling, and the burgesses as the legislative, authority—and the courts had been divided between them, now the moneyed aristocracy was not only united into a compact and privileged class on the solid basis of material interests, but also, as a judicial and controlling power, formed part of the state and

[1] We still possess a great portion of the new judicial ordinance—primarily occasioned by this alteration in the *personnel* of the judges—for the standing commission regarding extortion; it is known under the name of the Servilian, or rather Acilian, law *de repetundis*.

took its place almost on a footing of equality by the side of the ruling aristocracy. All the old antipathies of the merchants against the nobility could not but thenceforth find only too practical an expression in the sentences of the jurymen; above all, when the provincial governors were called to a reckoning, the senator had to await a decision involving his civic existence at the hands no longer as formerly of his peers, but of great merchants and bankers. The feuds between the Roman capitalists and the Roman governors were transplanted from the provincial administration to the dangerous field of these processes of reckoning. Not only was the aristocracy of the rich divided, but care was taken that the variance should always find fresh nourishment and easy expression.

Monarchical government substituted for that of the senate.

With his weapons—the proletariate and the mercantile class—thus prepared, Gracchus set about his main work, the overthrow of the ruling aristocracy. The overthrow of the senate meant, on the one hand, the depriving it of its essential functions by legislative alterations; and on the other hand, the ruining of the existing aristocracy by measures of a more personal and transient kind. Gracchus did both. The function of administration, in particular, had hitherto belonged exclusively to the senate; Gracchus took it away, partly by settling the most important administrative questions by means of comitial laws or, in other words, practically through tribunician dictation, partly by restricting the senate as much as possible in current affairs, partly by taking business after the most comprehensive fashion into his own hands. The measures of the former kind have been mentioned already: the new master of the state without consulting the senate dealt with the state-chest, by imposing a permanent and oppressive burden on the public finances in the distribution of corn; dealt with the domains, by sending out colonies not as hitherto by decree of the senate and people, but by decree of the people alone; and

dealt with the provincial administration, by overturning through a law of the people the financial constitution given by the senate to the province of Asia and substituting for it one altogether different. One of the most important of the current duties of the senate—that of fixing at its pleasure the functions for the time being of the two consuls—was not withdrawn from it; but the indirect pressure hitherto exercised in this way over the supreme magistrates was limited by directing the senate to fix these functions before the consuls concerned were elected. With unrivalled activity, lastly, Gaius concentrated the most varied and most complicated functions of government in his own person. He himself watched over the distribution of grain, selected the jurymen, founded the colonies in person notwithstanding that his magistracy legally chained him to the city, regulated the highways and concluded building-contracts, led the discussions of the senate, settled the consular elections—in short, he accustomed the people to the fact that one man was foremost in all things, and threw the lax and lame administration of the senatorial college into the shade by the vigour and versatility of his personal rule.

Gracchus interfered with the judicial omnipotence, still more energetically than with the administration, of the senate. We have already mentioned that he set aside the senators as jurymen; the same course was taken with the jurisdiction which the senate as the supreme administrative board allowed to itself in exceptional cases. Under severe penalties he prohibited—apparently in his renewal of the law *de provocatione*[1]—the appointment of extraordinary commissions of high treason by decree of the senate, such as that which after his brother's murder had sat in judgment on his adherents. The aggregate effect of these measures was, that the senate wholly lost the power of control, and

[1] This and the law *ne quis iudicio circumveniatur* may have been identical.

retained only so much of administration as the head of the state thought fit to leave to it. But these constitutive measures were not enough; the governing aristocracy for the time being was also directly assailed. It was a mere act of revenge, which assigned retrospective effect to the last-mentioned law and thereby compelled Publius Popillius —the aristocrat who after the death of Nasica, which had occurred in the interval, was chiefly obnoxious to the democrats—to go into exile. It is remarkable that this proposal was only carried by 18 to 17 votes in the assembly of the tribes—a sign how much the influence of the aristocracy still availed with the multitude, at least in questions of a personal interest. A similar but far less justifiable decree—the proposal, directed against Marcus Octavius, that whoever had been deprived of his office by decree of the people should be for ever incapable of filling a public post—was recalled by Gaius at the request of his mother; and he was thus spared the disgrace of openly mocking justice by legalizing a notorious violation of the constitution, and of taking base vengeance on a man of honour, who had not spoken an angry word against Tiberius and had only acted constitutionally and in accordance with what he conceived to be his duty. But of very different importance from these measures was the scheme of Gaius—which, it is true, was hardly carried into effect—to strengthen the senate by 300 new members, that is, by just about as many as it hitherto had contained, and to have them elected from the equestrian order by the comitia—a creation of peers after the most comprehensive style, which would have reduced the senate into the most complete dependence on the chief of the state.

This was the political constitution which Gaius Gracchus projected and, in its most essential points, carried out
123. 122. during the two years of his tribunate (631, 632), without, so far as we can see, encountering any resistance worthy

of mention, and without requiring to apply force for the attainment of his ends. The order of sequence in which these measures were carried can no longer be recognized in the confused accounts handed down to us, and various questions that suggest themselves have to remain unanswered. But it does not seem as if, in what is missing, many elements of material importance have escaped us; for as to the principal matters we have quite trustworthy information, and Gaius was by no means, like his brother, urged on further and further by the current of events, but evidently had a well-considered and comprehensive plan, the substance of which he fully embodied in a series of special laws.

Character of the constitution of Gaius Gracchus.

Now the Sempronian constitution itself shows very clearly to every one who is able and willing to see, that Gaius Gracchus did not at all, as many good-natured people in ancient and modern times have supposed, wish to place the Roman republic on new democratic bases, but that on the contrary he wished to abolish it and to introduce in its stead a *tyrannis*—that is, in modern language, a monarchy not of the feudal or of the theocratic, but of the Napoleonic absolute, type—in the form of a magistracy continued for life by regular re-election and rendered absolute by an unconditional control over the formally sovereign comitia, an unlimited tribuneship of the people for life. In fact if Gracchus, as his words and still more his works plainly testify, aimed at the overthrow of the government of the senate, what other political organization but the *tyrannis* remained possible, after overthrowing the aristocratic government, in a commonwealth which had outgrown primary assemblies and for which parliamentary government did not exist? Dreamers such as was his predecessor, and knaves such as after-times produced, might call this in question; but Gaius Gracchus was a statesman, and though the formal shape, which that great man had inwardly projected for his great work, has not

been handed down to us and may be conceived of very variously, yet he was beyond doubt aware of what he was doing. Little as the intention of usurping monarchical power can be mistaken, as little will those who survey the whole circumstances on this account blame Gracchus. An absolute monarchy is a great misfortune for a nation, but it is a less misfortune than an absolute oligarchy; and history cannot censure one who imposes on a nation the lesser suffering instead of the greater, least of all in the case of a nature so vehemently earnest and so far aloof from all that is vulgar as was that of Gaius Gracchus. Nevertheless it may not conceal the fact that his whole legislation was pervaded in a most pernicious way by conflicting aims; for on the one hand it aimed at the public good, while on the other hand it ministered to the personal objects and in fact the personal vengeance of the ruler. Gracchus earnestly laboured to find a remedy for social evils, and to check the spread of pauperism; yet he at the same time intentionally reared up a street proletariate of the worst kind in the capital by his distributions of corn, which were designed to be, and became, a premium to all the lazy and hungry civic rabble. Gracchus censured in the bitterest terms the venality of the senate, and in particular laid bare with unsparing and just severity the scandalous traffic which Manius Aquillius had driven with the provinces of Asia Minor;[1] yet it was through the

[1] A considerable fragment of a speech of Gracchus, still extant, relates to this trafficking about the possession of Phrygia, which after the annexation of the kingdom of Attalus was offered for sale by Manius Aquillius to the kings of Bithynia and of Pontus, and was bought by the latter as the highest bidder (p. 280). In this speech he observes that no senator troubled himself about public affairs for nothing, and adds that with reference to the law under discussion (as to the bestowal of Phrygia on king Mithradates) the senate was divisible into three classes, viz. those who were in favour of it, those who were against it, and those who were silent: that the first were bribed by king Mithradates, the second by king Nicomedes, while the third were the most cunning, for they accepted money from the envoys of both kings and made each party believe that they were silent in its interest.

efforts of the same man that the sovereign populace of the capital got itself alimented, in return for its cares of government, by the body of its subjects. Gracchus warmly disapproved the disgraceful spoliation of the provinces, and not only instituted proceedings of wholesome severity in particular cases, but also procured the abolition of the thoroughly insufficient senatorial courts, before which even Scipio Aemilianus had vainly staked his whole influence to bring the most decided criminals to punishment. Yet he at the same time, by the introduction of courts composed of merchants, surrendered the provincials with their hands fettered to the party of material interests, and thereby to a despotism still more unscrupulous than that of the aristocracy had been; and he introduced into Asia a taxation, compared with which even the form of taxation current after the Carthaginian model in Sicily might be called mild and humane—just because on the one hand he needed the party of moneyed men, and on the other hand required new and comprehensive resources to meet his distributions of grain and the other burdens newly imposed on the finances. Gracchus beyond doubt desired a firm administration and a well-regulated dispensing of justice, as numerous thoroughly judicious ordinances testify; yet his new system of administration rested on a continuous series of individual usurpations only formally legalized, and he intentionally drew the judicial system—which every well-ordered state will endeavour as far as possible to place, if not above political parties, at any rate aloof from them—into the midst of the whirlpool of revolution. Certainly the blame of these conflicting tendencies in Gaius Gracchus is chargeable to a very great extent on his position rather than on himself personally. On the very threshold of the *tyrannis* he was confronted by the fatal dilemma, moral and political, that the same man had at one and the same time to maintain his ground,

we may say, as a robber-chieftain and to lead the state as its first citizen—a dilemma to which Pericles, Caesar, and Napoleon had also to make dangerous sacrifices. But the conduct of Gaius Gracchus cannot be wholly explained from this necessity; along with it there worked in him the consuming passion, the glowing revenge, which foreseeing its own destruction hurls the firebrand into the house of the foe. He has himself expressed what he thought of his ordinance as to the jurymen and similar measures intended to divide the aristocracy; he called them daggers which he had thrown into the Forum that the burgesses—the men of rank, obviously—might lacerate each other with them. He was a political incendiary. Not only was the hundred years' revolution which dates from him, so far as it was one man's work, the work of Gaius Gracchus, but he was above all the true founder of that terrible urban proletariate flattered and paid by the classes above it, which through its aggregation in the capital—the natural consequence of the largesses of corn—became at once utterly demoralized and aware of its power, and which—with its demands, sometimes stupid, sometimes knavish, and its talk of the sovereignty of the people—lay like an incubus for five hundred years upon the Roman commonwealth and only perished along with it. And yet—this greatest of political transgressors was in turn the regenerator of his country. There is scarce a structural idea in Roman monarchy, which is not traceable to Gaius Gracchus. From him proceeded the maxim—founded doubtless in a certain sense in the nature of the old traditional laws of war, but yet, in the extension and practical application now given to it, foreign to the older state-law—that all the land of the subject communities was to be regarded as the private property of the state; a maxim, which was primarily employed to vindicate the right of the state to tax that land at pleasure, as was the case in Asia, or to apply it for

the institution of colonies, as was done in Africa, and which became afterwards a fundamental principle of law under the empire. From him proceeded the tactics, whereby demagogues and tyrants, leaning for support on material interests, break down the governing aristocracy, but subsequently legitimize the change of constitution by substituting a strict and efficient administration for the previous misgovernment. To him, in particular, are traceable the first steps towards such a reconciliation between Rome and the provinces as the establishment of monarchy could not but bring in its train; the attempt to rebuild Carthage destroyed by Italian rivalry and generally to open the way for Italian emigration towards the provinces, formed the first link in the long chain of that momentous and beneficial course of action. Right and wrong, fortune and misfortune were so inextricably blended in this singular man and in this marvellous political constellation, that it may well beseem history in this case—though it beseems her but seldom—to reserve her judgment.

The question as to the allies.

When Gracchus had substantially completed the new constitution projected by him for the state, he applied himself to a second and more difficult work. The question as to the Italian allies was still undecided. What were the views of the democratic leaders regarding it, had been rendered sufficiently apparent (p. 340). They naturally desired the utmost possible extension of the Roman franchise, not merely that they might bring in the domains occupied by the Latins for distribution, but above all that they might strengthen their body of adherents by the enormous mass of the new burgesses, might bring the comitial machine still more fully under their power by widening the body of privileged electors, and generally might abolish a distinction which had now with the fall of the republican constitution lost all serious importance. But here they encountered resistance from their own party,

and especially from that band which otherwise readily gave its sovereign assent to all which it did or did not understand. For the simple reason that Roman citizenship seemed to these people, so to speak, like a partnership which gave them a claim to share in sundry very tangible profits, direct and indirect, they were not at all disposed to enlarge the number of the partners. The rejection of
125. the Fulvian law in 629, and the insurrection of the Fregellans arising out of it, were significant indications both of the obstinate perseverance of the fraction of the burgesses that ruled the comitia, and of the impatient urgency of
122. the allies. Towards the end of his second tribunate (632) Gracchus, probably urged by obligations which he had undertaken towards the allies, ventured on a second attempt. In concert with Marcus Flaccus—who, although a consular, had again taken the tribuneship of the people, in order now to carry the law which he had formerly proposed without success—he made a proposal to grant to the Latins the full franchise, and to the other Italian allies the former rights of the Latins. But the proposal encountered the united opposition of the senate and the mob of the capital. The nature of this coalition and its mode of conflict are clearly and distinctly seen from an accidentally preserved fragment of the speech which the consul Gaius Fannius made to the burgesses in opposition to the proposal. "Do you then think," said the Optimate, "that, if you confer the franchise on the Latins, you will be able to find a place in future—just as you are now standing there in front of me—in the burgess-assembly, or at the games and popular amusements? Do you not believe, on the contrary, that those people will occupy every spot?" Among the burgesses of the fifth century, who on one day conferred the franchise on all the Sabines, such an orator might perhaps have been hissed; those of the seventh found his reasoning uncommonly clear and the price of the assignation

of the Latin domains, which was offered to it by Gracchus, far too low. The very circumstance, that the senate carried a permission to eject from the city all non-burgesses before the day for the decisive vote, showed the fate in store for the proposal. And when before the voting Livius Drusus, a colleague of Gracchus, interposed his veto against the law, the people received the veto in such a way that Gracchus could not venture to proceed further or even to prepare for Drusus the fate of Marcus Octavius.

Overthrow of Gracchus.

It was, apparently, this success which emboldened the senate to attempt the overthrow of the victorious demagogue. The weapons of attack were substantially the same with which Gracchus himself had formerly operated. The power of Gracchus rested on the mercantile class and the proletariate; primarily on the latter, which in this conflict, wherein neither side had any military reserve, acted as it were the part of an army. It was clear that the senate was not powerful enough to wrest either from the merchants or from the proletariate their new privileges; any attempt to assail the corn-laws or the new jury-arrangement would have led, under a somewhat grosser or somewhat more civilized form, to a street-riot in presence of which the senate was utterly defenceless. But it was no less clear, that Gracchus himself and these merchants and proletarians were only kept together by mutual advantage, and that the men of material interests were ready to accept their posts, and the populace strictly so called its bread, quite as well from any other as from Gaius Gracchus. The institutions of Gracchus stood, for the moment at least, immoveably firm with the exception of a single one—his own supremacy. The weakness of the latter lay in the fact, that in the constitution of Gracchus there was no relation of allegiance subsisting at all between the chief and the army; and, while the new constitution possessed all other elements of vitality, it lacked one—the moral tie between ruler and ruled, without

which every state rests on a pedestal of clay. In the rejection of the proposal to admit the Latins to the franchise it had been demonstrated with decisive clearness that the multitude in fact never voted for Gracchus, but always simply for itself. The aristocracy conceived the plan of offering battle to the author of the corn-largesses and land-assignations on his own ground.

Rival demagogism of the senate. The Livian laws.

As a matter of course, the senate offered to the proletariate not merely the same advantages as Gracchus had already assured to it in corn and otherwise, but advantages still greater. Commissioned by the senate, the tribune of the people Marcus Livius Drusus proposed to relieve those who received land under the laws of Gracchus from the rent imposed on them (p. 320), and to declare their allotments to be free and alienable property; and, further, to provide for the proletariate not in transmarine, but in twelve Italian, colonies, each of 3000 colonists, for the planting of which the people might nominate suitable men; only, Drusus himself declined—in contrast with the family-complexion of the Gracchan commission—to take part in this honourable duty. Presumably the Latins were named as those who would have to bear the costs of the plan, for there does not appear to have now existed in Italy other occupied domain-land of any extent save that which was enjoyed by them. We find isolated enactments of Drusus—such as the regulation that the punishment of scourging might only be inflicted on the Latin soldier by the Latin officer set over him, and not by the Roman officer—which were to all appearance intended to indemnify the Latins for other losses. The plan was not the most refined. The attempt at rivalry was too clear; the endeavour to draw the fair bond between the nobles and the proletariate still closer by their exercising jointly a tyranny over the Latins was too transparent; the inquiry suggested itself too readily, In what part of the peninsula, now that the Italian domains

had been mainly given away already—even granting that the whole domains assigned to the Latins were confiscated —was the occupied domain-land requisite for the formation of twelve new, numerous, and compact burgess-communities to be discovered? Lastly the declaration of Drusus, that he would have nothing to do with the execution of his law, was so dreadfully prudent as to border on sheer folly. But the clumsy snare was quite suited for the stupid game which they wished to catch. There was the additional and perhaps decisive consideration, that Gracchus, on whose personal influence everything depended, was just then establishing the Carthaginian colony in Africa, and that his lieutenant in the capital, Marcus Flaccus, played into the hands of his opponents by his vehement and maladroit actings. The "people" accordingly ratified the Livian laws as readily as it had before ratified the Sempronian. It then, as usual, repaid its latest, by inflicting a gentle blow on its earlier, benefactor, declining to re-elect him when he stood for the third time as a candidate for the tribunate for the year 633; on which occasion, 121.
however, there are alleged to have been unjust proceedings on the part of the tribune presiding at the election, who had been formerly offended by Gracchus. Thus the foundation of his despotism gave way beneath him. A second blow was inflicted on him by the consular elections, which not only proved in a general sense adverse to the democracy, but which placed at the head of the state Lucius Opimius, who as praetor in 629 had conquered 125.
Fregellae, one of the most decided and least scrupulous chiefs of the strict aristocratic party, and a man firmly resolved to get rid of their dangerous antagonist at the earliest opportunity.

Such an opportunity soon occurred. On the 10th of December, 632, Gracchus ceased to be tribune of the people; 122.
on the 1st of January, 633, Opimius entered on his office. 121.

Attack on the transmarine colonization. Downfall of Gracchus.

The first attack, as was fair, was directed against the most useful and the most unpopular measure of Gracchus, the re-establishment of Carthage. While the transmarine colonies had hitherto been only indirectly assailed through the greater allurements of the Italian, African hyaenas, it was now alleged, dug up the newly-placed boundary-stones of Carthage, and the Roman priests, when requested, certified that such signs and portents ought to form an express warning against rebuilding on a site accursed by the gods. The senate thereby found itself in its conscience compelled to have a law proposed, which prohibited the planting of the colony of Junonia. Gracchus, who with the other men nominated to establish it was just then selecting the colonists, appeared on the day of voting at the Capitol whither the burgesses were convoked, with a view to procure by means of his adherents the rejection of the law. He wished to shun acts of violence, that he might not himself supply his opponents with the pretext which they sought; but he had not been able to prevent a great portion of his faithful partisans, who remembered the catastrophe of Tiberius and were well acquainted with the designs of the aristocracy, from appearing in arms, and amidst the immense excitement on both sides quarrels could hardly be avoided. The consul Lucius Opimius offered the usual sacrifice in the porch of the Capitoline temple; one of the attendants assisting at the ceremony, Quintus Antullius, with the holy entrails in his hand, haughtily ordered the "bad citizens" to quit the porch, and seemed as though he would lay hands on Gaius himself; whereupon a zealous Gracchan drew his sword and cut the man down. A fearful tumult arose. Gracchus vainly sought to address the people and to disclaim the responsibility for the sacrilegious murder; he only furnished his antagonists with a further formal ground of accusation, as, without being aware of it in the confusion, he interrupted a tribune in the act of speaking

to the people—an offence, for which an obsolete statute, originating at the time of the old dissensions between the orders (i. 353), had prescribed the severest penalty. The consul Lucius Opimius took his measures to put down by force of arms the insurrection for the overthrow of the republican constitution, as they were fond of designating the events of this day. He himself passed the night in the temple of Castor in the Forum; at early dawn the Capitol was filled with Cretan archers, the senate-house and Forum with the men of the government party—the senators and the section of the equites adhering to them—who by order of the consul had all appeared in arms and each attended by two armed slaves. None of the aristocracy were absent; even the aged and venerable Quintus Metellus, well disposed to reform, had appeared with shield and sword. An officer of ability and experience acquired in the Spanish wars, Decimus Brutus, was entrusted with the command of the armed force; the senate assembled in the senate-house. The bier with the corpse of Antullius was deposited in front of it; the senate, as if surprised, appeared *en masse* at the door in order to view the dead body, and then retired to determine what should be done. The leaders of the democracy had gone from the Capitol to their houses; Marcus Flaccus had spent the night in preparing for the war in the streets, while Gracchus apparently disdained to strive with destiny. Next morning, when they learned the preparations made by their opponents at the Capitol and the Forum, both proceeded to the Aventine, the old stronghold of the popular party in the struggles between the patricians and the plebeians. Gracchus went thither silent and unarmed; Flaccus called the slaves to arms and entrenched himself in the temple of Diana, while he at the same time sent his younger son Quintus to the enemy's camp in order if possible to arrange a compromise. The latter returned with the announcement that the aristocracy demanded unconditional

surrender; at the same time he brought a summons from the senate to Gracchus and Flaccus to appear before it and to answer for their violation of the majesty of the tribunes. Gracchus wished to comply with the summons, but Flaccus prevented him from doing so, and repeated the equally weak and mistaken attempt to move such antagonists to a compromise. When instead of the two cited leaders the young Quintus Flaccus once more presented himself alone, the consul treated their refusal to appear as the beginning of open insurrection against the government; he ordered the messenger to be arrested and gave the signal for attack on the Aventine, while at the same time he caused proclamation to be made in the streets that the government would give to whosoever should bring the head of Gracchus or of Flaccus its literal weight in gold, and that they would guarantee complete indemnity to every one who should leave the Aventine before the beginning of the conflict. The ranks on the Aventine speedily thinned; the valiant nobility in union with the Cretans and the slaves stormed the almost undefended mount, and killed all whom they found, about 250 persons, mostly of humble rank. Marcus Flaccus fled with his eldest son to a place of concealment, where they were soon afterwards hunted out and put to death. Gracchus had at the beginning of the conflict retired into the temple of Minerva, and was there about to pierce himself with his sword, when his friend Publius Laetorius seized his arm and besought him to preserve himself if possible for better times. Gracchus was induced to make an attempt to escape to the other bank of the Tiber; but when hastening down the hill he fell and sprained his foot. To gain time for him to escape, his two attendants turned to face his pursuers and allowed themselves to be cut down, Marcus Pomponius at the Porta Trigemina under the Aventine, Publius Laetorius at the bridge over the Tiber where Horatius Cocles was said to have once singly withstood the

Etruscan army; so Gracchus, attended only by his slave Euporus, reached the suburb on the right bank of the Tiber. There, in the grove of Furrina, were afterwards found the two dead bodies; it seemed as if the slave had put to death first his master and then himself. The heads of the two fallen leaders were handed over to the government as required; the stipulated price and more was paid to Lucius Septumuleius, a man of quality, the bearer of the head of Gracchus, while the murderers of Flaccus, persons of humble rank, were sent away with empty hands. The bodies of the dead were thrown into the river; the houses of the leaders were abandoned to the pillage of the multitude. The warfare of prosecution against the partisans of Gracchus began on the grandest scale; as many as 3000 of them are said to have been strangled in prison, amongst whom was Quintus Flaccus, eighteen years of age, who had taken no part in the conflict and was universally lamented on account of his youth and his amiable disposition. On the open space beneath the Capitol where the altar consecrated by Camillus after the restoration of internal peace (i. 382) and other shrines erected on similar occasions to Concord were situated, these small chapels were pulled down; and out of the property of the killed or condemned traitors, which was confiscated even to the portions of their wives, a new and splendid temple of Concord with the basilica belonging to it was erected in accordance with a decree of the senate by the consul Lucius Opimius. Certainly it was an act in accordance with the spirit of the age to remove the memorials of the old, and to inaugurate a new, concord over the remains of the three grandsons of the conqueror of Zama, all of whom—first Tiberius Gracchus, then Scipio Aemilianus, and lastly the youngest and the mightiest, Gaius Gracchus—had now been engulfed by the revolution. The memory of the Gracchi remained officially proscribed; Cornelia was not allowed even to put on mourning for the death of her

last son; but the passionate attachment, which very many had felt towards the two noble brothers and especially towards Gaius during their life, was touchingly displayed also after their death in the almost religious veneration which the multitude, in spite of all precautions of police, continued to pay to their memory and to the spots where they had fallen.

CHAPTER IV

THE RULE OF THE RESTORATION

Vacancy in the government.

THE new structure, which Gaius Gracchus had reared, became on his death a ruin. His death indeed, like that of his brother, was primarily a mere act of vengeance; but it was at the same time a very material step towards the restoration of the old constitution, when the person of the monarch was taken away from the monarchy, just as it was on the point of being established. It was all the more so in the present instance, because after the fall of Gaius and the sweeping and bloody prosecutions of Opimius there existed at the moment absolutely no one, who, either by blood-relationship to the fallen chief of the state or by pre-eminent ability, might feel himself warranted in even attempting to occupy the vacant place. Gaius had departed from the world childless, and the son whom Tiberius had left behind him died before reaching manhood; the whole popular party, as it was called, was literally without any one who could be named as leader. The Gracchan constitution resembled a fortress without a commander; the walls and garrison were uninjured, but the general was wanting, and there was no one to take possession of the vacant place save the very government which had been overthrown.

So it accordingly happened. After the decease of Gaius Gracchus without heirs, the government of the senate as it

The restored aristocracy.

were spontaneously resumed its place; and this was the more natural, that it had not been, in the strict sense, formally abolished by the tribune, but had merely been reduced to a practical nullity by his exceptional proceedings. Yet we should greatly err, if we should discern in this restoration nothing further than a relapse of the state-machine into the old track which had been trodden and worn for centuries. Restoration is always revolution; but in this case it was not so much the old government as the old governor that was restored. The oligarchy made its appearance newly equipped in the armour of the *tyrannis* which had been overthrown. As the senate had beaten Gracchus from the field with his own weapons, so it continued in the most essential points to govern with the constitution of the Gracchi; though certainly with the ulterior idea, if not of setting it aside entirely, at any rate of thoroughly purging it in due time from the elements really hostile to the ruling aristocracy.

Prosecutions of the democrats.

At first the reaction was mainly directed against persons. Publius Popillius was recalled from banishment after the
121. enactments relating to him had been cancelled (633), and a warfare of prosecution was waged against the adherents of Gracchus; whereas the attempt of the popular party to have Lucius Opimius after his resignation of office condemned for high treason was frustrated by the partisans of
120. the government (634). The character of this government of the restoration is significantly indicated by the progress of the aristocracy in soundness of sentiment. Gaius Carbo, once the ally of the Gracchi, had for long been a convert (p. 340), and had but recently shown his zeal and his usefulness as defender of Opimius. But he remained the renegade; when the same accusation was raised against him by the democrats as against Opimius, the government were not unwilling to let him fall, and Carbo, seeing himself lost between the two parties, died by his own hand. Thus the

men of the reaction showed themselves in personal questions pure aristocrats. But the reaction did not immediately attack the distributions of grain, the taxation of the province of Asia, or the Gracchan arrangement as to the jurymen and courts; on the contrary, it not only spared the mercantile class and the proletariate of the capital, but continued to render homage, as it had already done in the introduction of the Livian laws, to these powers and especially to the proletariate far more decidedly than had been done by the Gracchi. This course was not adopted merely because the Gracchan revolution still thrilled for long the minds of its contemporaries and protected its creations; the fostering and cherishing at least of the interests of the populace was in fact perfectly compatible with the personal advantage of the aristocracy, and thereby nothing further was sacrificed than merely the public weal.

The domain question under the restoration.

All those measures which were devised by Gaius Gracchus for the promotion of the public welfare—the best but, as may readily be conceived, also the most unpopular part of his legislation—were allowed by the aristocracy to drop. Nothing was so speedily and so successfully assailed as the noblest of his projects, the scheme of introducing a legal equality first between the Roman burgesses and Italy, and thereafter between Italy and the provinces, and—inasmuch as the distinction between the merely ruling and consuming and the merely serving and working members of the state was thus done away—at the same time solving the social question by the most comprehensive and systematic emigration known in history. With all the determination and all the peevish obstinacy of dotage the restored oligarchy obtruded the principle of deceased generations—that Italy must remain the ruling land and Rome the ruling city in Italy—afresh on the present. Even in the lifetime of Gracchus the claims of the Italian allies had been

decidedly rejected, and the great idea of transmarine colonization had been subjected to a very serious attack, which became the immediate cause of Gracchus' fall. After his death the scheme of restoring Carthage was set aside with little difficulty by the government party, although the individual allotments already distributed there were left to the recipients. It is true that they could not prevent a similar foundation by the democratic party from succeeding at another point: in the course of the conquests beyond the Alps which Marcus Flaccus had begun, the colony of Narbo
118. (Narbonne) was founded there in 636, the oldest transmarine burgess-city in the Roman empire, which, in spite of manifold attacks by the government party and in spite of a proposal directly made by the senate to abolish it, permanently held its ground, protected, as it probably was, by the mercantile interests that were concerned. But, apart from this exception—in its isolation not very important—the government was uniformly successful in preventing the assignation of land out of Italy.

The Italian domain-question was settled in a similar spirit. The Italian colonies of Gaius, especially Capua, were cancelled, and such of them as had already been planted were again broken up; only the unimportant one of Tarentum was allowed to subsist in the form of the new town Neptunia placed alongside of the former Greek community. So much of the domains as had already been distributed by non-colonial assignation remained in the hands of the recipients; the restrictions imposed on them by Gracchus in the interest of the commonwealth—the ground-rent and the prohibition of alienation—had already been abolished by Marcus Drusus. With reference on the other hand to the domains still possessed by right of occupation—which, over and above the domain-land enjoyed by the Latins, must have mostly consisted of the estates left with their holders in accordance with the

Gracchan maximum (p. 320)—it was resolved definitively to secure them to those who had hitherto been occupants and to preclude the possibility of future distribution. It was primarily from these lands, no doubt, that the 36,000 new farm-allotments promised by Drusus were to have been formed; but they saved themselves the trouble of inquiring where those hundreds of thousands of acres of Italian domain-land were to be found, and tacitly shelved the Livian colonial law, which had served its purpose;—only perhaps the small colony of Scolacium (Squillace) may be referred to the colonial law of Drusus. On the other hand by a law, which the tribune of the people Spurius Thorius carried under the instructions of the senate, the allotment-commission was abolished in 635, and there was imposed 118.
on the occupants of the domain-land a fixed rent, the proceeds of which went to the benefit of the populace of the capital—apparently by forming part of the fund for the distribution of corn; proposals going still further, including perhaps an increase of the largesses of grain, were averted by the judicious tribune of the people Gaius Marius. The final step was taken eight years afterwards (643), when by 111.
a new decree of the people[1] the occupied domain-land was directly converted into the rent-free private property of the former occupants. It was added, that in future domain-land was not to be occupied at all, but was either to be leased or to lie open as public pasture; in the latter case provision was made by the fixing of a very low maximum of ten head of large and fifty head of small cattle, that the large herd-owner should not practically exclude the small. In these judicious regulations the injurious character of the occupation-system, which moreover was long ago given up (ii. 21), was at length officially recognized, but unhappily

[1] It is in great part still extant and known under the erroneous name, which has now been handed down for three hundred years, of the Thorian agrarian law.

they were only adopted when it had already deprived the state in substance of its domanial possessions. While the Roman aristocracy thus took care of itself and got whatever occupied land was still in its hands converted into its own property, it at the same time pacified the Italian allies, not indeed by conferring on them the property of the Latin domain-land which they and more especially their municipal aristocracy enjoyed, but by preserving unimpaired the rights in relation to it guaranteed to them by their charters. The opposite party was in the unfortunate position, that in the most important material questions the interests of the Italians ran diametrically counter to those of the opposition in the capital; in fact the Italians entered into a species of league with the Roman government, and sought and found protection from the senate against the extravagant designs of various Roman demagogues.

The proletariate and equestrian order under the restoration.

While the restored government was thus careful thoroughly to eradicate the germs of improvement which existed in the Gracchan constitution, it remained completely powerless in presence of the hostile powers that had been, not for the general weal, aroused by Gracchus. The proletariate of the capital continued to have a recognized title to aliment; the senate likewise acquiesced in the taking of the jurymen from the mercantile order, repugnant though this yoke was to the better and prouder portion of the aristocracy. The fetters which the aristocracy wore did not beseem its dignity; but we do not find that it seriously set itself to get rid of them. The law of Marcus Aemilius
122. Scaurus in 632, which at least enforced the constitutional restrictions on the suffrage of freedmen, was for long the only attempt—and that a very tame one—on the part of the senatorial government once more to restrain their mob-tyrants. The proposal, which the consul Quintus Caepio seventeen years after the introduction of the equestrian
106. tribunals (648) brought in for again entrusting the trials to

senatorial jurymen, showed what the government wished; but showed also how little it could do, when the question was one not of squandering domains but of carrying a measure in the face of an influential order. It broke down.[1] The government was not emancipated from the inconvenient associates who shared its power; but these measures probably contributed still further to disturb the never sincere agreement of the ruling aristocracy with the merchant-class and the proletariate. Both were very well aware, that the senate granted all its concessions only from fear and with reluctance; permanently attached to the rule of the senate by considerations neither of gratitude nor of interest, both were very ready to render similar services to any other master who offered them more or even as much, and had no objection, if an opportunity occurred, to cheat or to thwart the senate. Thus the restoration continued to govern with the desires and sentiments of a legitimate aristocracy, and with the constitution and means of government of a *tyrannis*. Its rule not only rested on the same bases as that of Gracchus, but it was equally ill, and in fact still worse, consolidated; it was strong, when in league with the populace it overthrew serviceable institutions, but it was utterly powerless, when it had to face the bands of the streets or the interests of the merchants. It sat on the vacated throne with an evil conscience and divided hopes, indignant at the institutions of the state which it ruled and yet incapable of even systematically assailing them, vacillating in all its conduct except where its own material advantage prompted a decision, a picture of faithlessness towards its own as well as the opposite party, of inward inconsistency,

[1] This is apparent, as is well known, from the further course of events. In opposition to this view stress has been laid on the fact that in Valerius Maximus, vi. 9, 13, Quintus Caepio is called patron of the senate; but on the one hand this does not prove enough, and on the other hand what is there narrated does not at all suit the consul of 648, so that there must be an error either in the name or in the facts reported. 106.

of the most pitiful impotence, of the meanest selfishness—an unsurpassed ideal of misrule.

The men of the restoration.

It could not be otherwise; the whole nation was in a state of intellectual and moral decline, but especially the upper classes. The aristocracy before the period of the Gracchi was truly not over-rich in talent, and the benches of the senate were crowded by a pack of cowardly and dissolute nobles; nevertheless there sat in it Scipio Aemilianus, Gaius Laelius, Quintus Metellus, Publius Crassus, Publius Scaevola and numerous other respectable and able men, and an observer favourably predisposed might be of opinion that the senate maintained a certain moderation in injustice and a certain decorum in misgovernment. This aristocracy had been overthrown and then reinstated; henceforth there rested on it the curse of restoration. While the aristocracy had formerly governed for good or ill, and for more than a century without any sensible opposition, the crisis which it had now passed through revealed to it, like a flash of lightning in a dark night, the abyss which yawned before its feet. Was it any wonder that henceforward rancour always, and terror wherever they durst, characterized the government of the lords of the old nobility? that those who governed confronted as an united and compact party, with far more sternness and violence than hitherto, the non-governing multitude? that family-policy now prevailed once more, just as in the worst times of the patriciate, so that *e.g.* the four sons and (probably) the two nephews of Quintus Metellus—with a single exception persons utterly insignificant and some of them called to office on account of their very simplicity—attained within fifteen years (631–645) all of them to the consulship, and all with one exception also to triumphs—to say nothing of sons-in-law and so forth? that the more violent and cruel the bearing of any of their partisans towards the opposite party, he received the more signal honour, and every outrage and

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every infamy were pardoned in the genuine aristocrat? that the rulers and the ruled resembled two parties at war in every respect, save in the fact that in their warfare no international law was recognized? It was unhappily only too palpable that, if the old aristocracy beat the people with rods, this restored aristocracy chastised it with scorpions. It returned to power; but it returned neither wiser nor better. Never hitherto had the Roman aristocracy been so utterly deficient in men of statesmanly and military capacity, as it was during this epoch of restoration between the Gracchan and the Cinnan revolutions.

Marcus Aemilius Scaurus.

A significant illustration of this is afforded by the chief of the senatorial party at this time, Marcus Aemilius Scaurus. The son of highly aristocratic but not wealthy parents, and thus compelled to make use of his far from mean talents, he raised himself to the consulship (639) and censorship (645), was long the chief of the senate and the political oracle of his order, and immortalized his name not only as an orator and author, but also as the originator of some of the principal public buildings executed in this century. But, if we look at him more closely, his greatly praised achievements amount merely to this much, that, as a general, he gained some cheap village triumphs in the Alps, and, as a statesman, won by his laws about voting and luxury some victories nearly as serious over the revolutionary spirit of the times. His real talent consisted in this, that, while he was quite as accessible and bribable as any other upright senator, he discerned with some cunning the moment when the matter began to be hazardous, and above all by virtue of his superior and venerable appearance acted the part of Fabricius before the public. In a military point of view, no doubt, we find some honourable exceptions of able officers belonging to the highest circles of the aristocracy; but the rule was, that the lords of quality, when they were to assume the command of armies,

115.

109.

hastily read up from the Greek military manuals and the Roman annals as much as was required for holding a military conversation, and then, when in the field, acted most wisely by entrusting the real command to an officer of humble lineage but of tried capacity and tried discretion. In fact, if a couple of centuries earlier the senate resembled an assembly of kings, these their successors played not ill the part of princes. But the incapacity of these restored aristocrats was fully equalled by their political and moral worthlessness. If the state of religion, to which we shall revert, did not present a faithful reflection of the wild dissoluteness of this epoch, and if the external history of the period did not exhibit the utter depravity of the Roman nobles as one of its most essential elements, the horrible crimes, which came to light in rapid succession among the highest circles of Rome, would alone suffice to indicate their character.

Administration under the restoration.

The administration, internal and external, was what was to be expected under such a government. The social ruin of Italy spread with alarming rapidity; since the aristocracy had given itself legal permission to buy out the small holders, and in its new arrogance allowed itself with growing frequency to drive them out, the farms disappeared like raindrops in the sea. That the economic oligarchy at least kept pace with the political, is shown by the opinion expressed about 650 by Lucius Marcius Philippus, a man of moderate democratic views, that there were among the whole burgesses hardly 2000 families of substantial means. A practical commentary on this state of things was once more furnished by the servile insurrections, which during the first years of the Cimbrian war broke out annually in Italy, *e.g.* at Nuceria, at Capua, and in the territory of Thurii. This last conspiracy was so important that the urban praetor had to march with a legion against it and yet overcame the insurrection not by force of arms, but only by

Social state of Italy.

107.

insidious treachery. It was moreover a suspicious circumstance, that the insurrection was headed not by a slave, but by the Roman knight Titus Vettius, whom his debts had driven to the insane step of manumitting his slaves and declaring himself their king (650). The apprehensions of 104.
the government with reference to the accumulation of masses of slaves in Italy are shown by the measures of precaution respecting the gold-washings of Victumulae, which were carried on after 611 on account of the Roman 143.
government: the lessees were at first bound not to employ more than 5000 labourers, and subsequently the workings were totally stopped by decree of the senate. Under such a government as the present there was every reason in fact for fear, if, as was very possible, a Transalpine host should penetrate into Italy and summon the slaves, who were in great part of kindred lineage, to arms.

The provinces suffered still more in comparison. We shall have an idea of the condition of Sicily and Asia, if we endeavour to realize what would be the aspect of matters in the East Indies provided the English aristocracy were similar to the Roman aristocracy of that day. The legislation, which entrusted the mercantile class with control over the magistrates, compelled the latter to make common cause to a certain extent with the former, and to purchase for themselves unlimited liberty of plundering and protection from impeachment by unconditional indulgence towards the capitalists in the provinces. In addition to these official and semi-official robbers, freebooters and pirates pillaged all the countries of the Mediterranean. In the Asiatic waters more especially the buccaneers carried their outrages so far that even the Roman government found itself under the necessity in 652 of despatching to Cilicia a 102.
fleet, mainly composed of the vessels of the dependent mercantile cities, under the praetor Marcus Antonius, who was invested with proconsular powers. This fleet captured

The provinces.

Piracy.

a number of corsair-vessels and destroyed some rock-strongholds; and not only so, but the Romans even settled themselves permanently there, and in order to the suppression of piracy in its chief seat, the Rugged or western Cilicia, occupied strong military positions—the first step towards the establishment of the province of Cilicia, which thenceforth appears among the Roman magistracies.[1] The design was commendable, and the scheme in itself was suitable for its purpose; only, the continuance and the increase of the evil of piracy in the Asiatic waters, and especially in Cilicia, unhappily showed with how inadequate means the pirates were combated from the newly-acquired position.

Occupation of Cilicia.

Revolts of the slaves.

But nowhere did the impotence and perversity of the Roman provincial administration come to light so conspicuously as in the insurrections of the slave proletariate, which seemed to have revived on their former footing simultaneously with the restoration of the aristocracy. These insurrections of the slaves swelling from revolts into wars—which had emerged just about 620 as one, and that

184.

[1] It is assumed in many quarters that the establishment of the province of Cilicia only took place after the Cilician expedition of Publius Servilius in 676 *et seq.*, but erroneously; for as early as 662 we find Sulla (Appian, *Mithr.* 57; *B.C.* i. 77; Victor, 75), and in 674, 675, Gnaeus Dolabella (Cic. *Verr.* i. 1, 16, 44) as governors of Cilicia—which leaves no alternative but to place the establishment of the province in 652. This view is further supported by the fact that at this time the expeditions of the Romans against the corsairs—*e.g.* the Balearic, Ligurian, and Dalmatian expeditions—appear to have been regularly directed to the occupation of the points of the coast whence piracy issued; and this was natural, for, as the Romans had no standing fleet, the only means of effectually checking piracy was the occupation of the coasts. It is to be remembered, moreover, that the idea of a *provincia* did not absolutely involve possession of the country, but in itself implied no more than an independent military command; it is very possible, that the Romans in the first instance occupied nothing in this rugged country save stations for their vessels and troops.

78. 92. 80. 79. 102.

The plain of eastern Cilicia remained down to the war against Tigranes attached to the Syrian empire (Appian, *Syr.* 48); the districts to the north of the Taurus formerly reckoned as belonging to Cilicia—Cappadocian Cilicia, as it was called, and Cataonia—belonged to Cappadocia, the former from the time of the breaking up of the kingdom of Attalus (Justin, xxxvii. 1; see above, p. 278), the latter probably even from the time of the peace with Antiochus.

perhaps the proximate, cause of the Gracchan revolution—were renewed and repeated with dreary uniformity. Again, as thirty years before, a ferment pervaded the body of slaves throughout the Roman empire. We have already mentioned the Italian conspiracies. The miners in the Attic silver-mines rose in revolt, occupied the promontory of Sunium, and issuing thence pillaged for a length of time the surrounding country. Similar movements appeared at other places.

The second Sicilian slave-war.

But the chief seat of these fearful commotions was once more Sicily with its plantations and its hordes of slaves brought thither from Asia Minor. It is significant of the greatness of the evil, that an attempt of the government to check the worst iniquities of the slaveholders was the immediate cause of the new insurrection. That the free proletarians in Sicily were little better than the slaves, had been shown by their attitude in the first insurrection (p. 310); after it was subdued, the Roman speculators took their revenge and reduced numbers of the free provincials into slavery. In consequence of a sharp enactment issued against this by the senate in 650, Publius Licinius Nerva, **104.** the governor of Sicily at the time, appointed a court for deciding on claims of freedom to sit in Syracuse. The court went earnestly to work; in a short time decision was given in eight hundred processes against the slave-owners, and the number of causes in dependence was daily on the increase. The terrified planters hastened to Syracuse, to compel the Roman governor to suspend such unparalleled administration of justice; Nerva was weak enough to let himself be terrified, and in harsh language informed the non-free persons requesting trial that they should forgo their troublesome demand for right and justice and should instantly return to those who called themselves their masters. Those who were thus dismissed, instead of doing as he bade them, formed a conspiracy and went to the mountains.

The governor was not prepared for military measures, and even the wretched militia of the island was not immediately at hand; so that he concluded an alliance with one of the best known captains of banditti in the island, and induced him by the promise of personal pardon to betray the revolted slaves into the hands of the Romans. He thus gained the mastery over this band. But another band of runaway slaves succeeded in defeating a division of the garrison of Enna (Castrogiovanni); and this first success procured for the insurgents—what they especially needed—arms and a conflux of associates. The armour of their fallen or fugitive opponents furnished the first basis of their military organization, and the number of the insurgents soon swelled to many thousands. These Syrians in a foreign land already, like their predecessors, seemed to themselves not unworthy to be governed by kings, as were their countrymen at home; and—parodying the trumpery king of their native land down to the very name—they placed the slave Salvius at their head as king Tryphon. In the district between Enna and Leontini (Lentini) where these bands had their head-quarters, the open country was wholly in the hands of the insurgents and Morgantia and other walled towns were already besieged by them, when the Roman governor with his hastily-collected Sicilian and Italian troops fell upon the slave-army in front of Morgantia. He occupied the undefended camp; but the slaves, although surprised, made a stand. In the combat that ensued the levy of the island not only gave way at the first onset, but, as the slaves allowed every one who threw down his arms to escape unhindered, the militia almost without exception embraced the good opportunity of taking their departure, and the Roman army completely dispersed. Had the slaves in Morgantia been willing to make common cause with their comrades before the gates, the town was lost; but they preferred to accept the gift of freedom in

legal form from their masters, and by their valour helped them to save the town—whereupon the Roman governor declared the promise of liberty solemnly given to the slaves by the masters to be void in law, as having been illegally extorted.

Athenion.

While the revolt thus spread after an alarming manner in the interior of the island, a second broke out on the west coast. It was headed by Athenion. He had formerly been, just like Cleon, a dreaded captain of banditti in his native country of Cilicia, and had been carried thence as a slave to Sicily. He secured, just as his predecessors had done, the adherence of the Greeks and Syrians especially by prophesyings and other edifying impostures; but skilled in war and sagacious as he was, he did not, like the other leaders, arm the whole mass that flocked to him, but formed out of the men able for warfare an organized army, while he assigned the remainder to peaceful employment. In consequence of his strict discipline, which repressed all vacillation and all insubordinate movement in his troops, and his gentle treatment of the peaceful inhabitants of the country and even of the captives, he gained rapid and great successes. The Romans were on this occasion disappointed in the hope that the two leaders would fall out; Athenion voluntarily submitted to the far less capable king Tryphon, and thus preserved unity among the insurgents. These soon ruled with virtually absolute power over the flat country, where the free proletarians again took part more or less openly with the slaves; the Roman authorities were not in a position to take the field against them, and had to rest content with protecting the towns, which were in the most lamentable plight, by means of the militia of Sicily and that of Africa brought over in all haste. The administration of justice was suspended over the whole island, and force was the only law. As no cultivator living in town ventured any longer beyond the gates, and no countryman

ventured into the towns, the most fearful famine set in, and the town-population of this island which formerly fed Italy had to be supported by the Roman authorities sending supplies of grain. Moreover, conspiracies of the town-slaves everywhere threatened to break out within, while the insurgent armies lay before the walls; even Messana was within a hair's breadth of being conquered by Athenion.

Difficult as it was for the government during the serious war with the Cimbri to place a second army in the field,
103. it could not avoid sending in 651 an army of 14,000 Romans and Italians, not including the transmarine militia, under the praetor Lucius Lucullus to the island. The united slave-army was stationed in the mountains above Sciacca, and accepted the battle which Lucullus offered. The better military organization of the Romans gave them the victory; Athenion was left for dead on the field, Tryphon had to throw himself into the mountain-fortress of Triocala; the insurgents deliberated earnestly whether it was possible to continue the struggle longer. But the party, which was resolved to hold out to the last man, retained the upper hand; Athenion, who had been saved in a marvellous manner, reappeared among his troops and revived their sunken courage; above all, Lucullus with incredible negligence took not the smallest step to follow up his victory; in fact, he is said to have intentionally disorganized the army and to have burned his field baggage, with a view to screen the total inefficacy of his administration and not to be cast into the shade by his successor. Whether this
102. was true or not, his successor Gaius Servilius (652) obtained no better results; and both generals were afterwards criminally impeached and condemned for their conduct in office —which, however, was not at all a certain proof of their
102. guilt. Athenion, who after the death of Tryphon (652) was invested with the sole command, stood victorious at
101. the head of a considerable army, when in 653 Manius

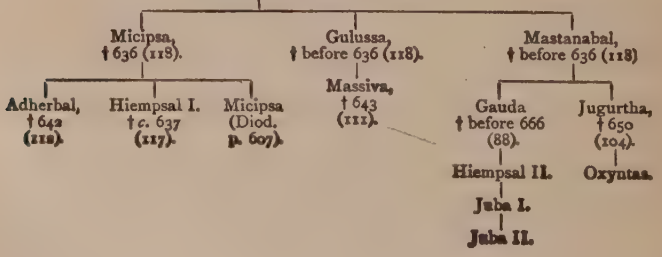
Aquillius, who had during the previous year distinguished himself under Marius in the war with the Teutones, was as consul and governor entrusted with the conduct of the war. After two years of hard conflicts—Aquillius is said to have fought in person with Athenion, and to have killed him in single combat—the Roman general at length put down the desperate resistance, and vanquished the insurgents in their last retreats by famine. The slaves on the island were prohibited from bearing arms and peace was again restored to it, or, in other words, its recent tormentors were relieved by those of former use and wont; in fact, the victor himself occupied a prominent place among the numerous and energetic robber-magistrates of this period. Any one who still required a proof of the internal quality of the government of the restored aristocracy might be referred to the origin and to the conduct of this second Sicilian slave-war, which lasted for five years. Aquillius.

But wherever the eye might turn throughout the wide sphere of Roman administration, the same causes and the same effects appeared. If the Sicilian slave-war showed how far the government was from being equal to even its simplest task of keeping in check the proletariate, contemporary events in Africa displayed the skill with which the Romans now governed the client-states. About the very time when the Sicilian slave-war broke out, there was exhibited before the eyes of the astonished world the spectacle of an unimportant client-prince able to carry out a fourteen years' usurpation and insurrection against the mighty republic which had shattered the kingdoms of Macedonia and Asia with one blow of its weighty arm—and that not by means of arms, but through the pitiful character of its rulers. The dependent states.

The kingdom of Numidia stretched from the river Molochath to the great Syrtis (ii. 381 *f.*), bordering on the one side with the Mauretanian kingdom of Tingis (the Numidia.

modern Morocco) and on the other with Cyrene and Egypt, and surrounding on the west, south, and east the narrow district of coast which formed the Roman province of Africa. In addition to the old possessions of the Numidian chiefs, it embraced by far the greatest portion of the territory which Carthage had possessed in Africa during the times of its prosperity—including several important Old-Phoenician cities, such as Hippo Regius (Bona) and Great Leptis (Lebidah)—altogether the largest and best part of the rich seaboard of northern Africa. Numidia was beyond question, next to Egypt, the most considerable of all the Roman
149. client-states. After the death of Massinissa (605), Scipio had divided the sovereign functions of that prince among his three sons, the kings Micipsa, Gulussa, and Mastanabal, in such a way that the firstborn obtained the residency and the state-chest, the second the charge of war, and the third the administration of justice (p. 251). Now after the death of his two brothers Massinissa's eldest son, Micipsa,[1] reigned alone, a feeble peaceful old man, who was fond of occupying himself more with the study of Greek philosophy than with affairs of state. As his sons were not yet grown up, the reins of government were practically held by an illegiti-
Jugurtha. mate nephew of the king, the prince Jugurtha. Jugurtha was no unworthy grandson of Massinissa. He was a handsome man and a skilled and courageous rider and hunter;

[1] The following table exhibits the genealogy of the Numidian princes:—



his countrymen held him in high honour as a clear and sagacious administrator, and he had displayed his military ability as leader of the Numidian contingent before Numantia under the eyes of Scipio. His position in the kingdom, and the influence which he possessed with the Roman government by means of his numerous friends and war-comrades, made it appear to king Micipsa advisable to adopt him (634), and to arrange in his testament that his own two elder sons Adherbal and Hiempsal, and his adopted son Jugurtha along with them, should jointly inherit and govern the kingdom, just as he himself had done with his two brothers. For greater security this arrangement was placed under the guarantee of the Roman government. 120.

Soon afterwards, in 636, king Micipsa died. The testament came into force: but the two sons of Micipsa—the vehement Hiempsal still more than his weak elder brother —soon came into so violent collision with their cousin whom they looked on as an intruder into the legitimate line of succession, that the idea of a joint reign of the three kings had to be abandoned. An attempt was made to carry out a division of the heritage; but the quarrelling kings could not agree as to their quotas of land and treasure, and the protecting power, to which in this case the decisive word by right belonged, gave itself, as usual, no concern about this affair. A rupture took place; Adherbal and Hiempsal were disposed to characterize their father's testament as surreptitious and altogether to dispute Jugurtha's right of joint inheritance, while on the other hand Jugurtha came forward as a pretender to the whole kingdom. While the discussions as to the partition were still going on, Hiempsal was made away with by hired assassins; then a civil war arose between Adherbal and Jugurtha, in which all Numidia took part. With his less numerous but better disciplined and better led troops Jugurtha conquered, and

The war for the Numidian succession. [118.

seized the whole territory of the kingdom, subjecting the chiefs who adhered to his cousin to the most cruel persecution. Adherbal escaped to the Roman province and proceeded to Rome to make his complaint there. Jugurtha had expected this, and had made his arrangements to meet the threatened intervention. In the camp before Numantia he had learned more from Rome than Roman tactics; the Numidian prince, introduced to the circles of the Roman aristocracy, had at the same time been initiated into the intrigues of Roman coteries, and had studied at the fountain-head what might be expected from Roman nobles. Even then, sixteen years before Micipsa's death, he had entered into disloyal negotiations as to the Numidian succession with Roman comrades of rank, and Scipio had been under the necessity of gravely reminding him that it was becoming in foreign princes to be on terms of friendship with the Roman state rather than with individual Roman citizens. The envoys of Jugurtha appeared in Rome, furnished with something more than words: that they had chosen the right means of diplomatic persuasion, was shown by the result. The most zealous champions of Adherbal's just title were with incredible rapidity convinced that Hiempsal had been put to death by his subjects on account of his cruelty, and that the originator of the war as to the succession was not Jugurtha, but Adherbal. Even the leading men in the senate were shocked at the scandal; Marcus Scaurus sought to check it, but in vain. The senate passed over what had taken place in silence, and ordained that the two surviving testamentary heirs should have the kingdom equally divided between them, and that, for the prevention of fresh quarrels, the division should be undertaken by a commission of the senate. This was done: the consular Lucius Opimius, well known through his services in setting aside the revolution, had embraced the opportunity of gathering the reward of his patriotism,

and had got himself placed at the head of the commission. The division turned out thoroughly in favour of Jugurtha, and not to the disadvantage of the commissioners; Cirta (Constantine) the capital with its port of Rusicade (Philippeville) was no doubt given to Adherbal, but by that very arrangement the portion which fell to him was the eastern part of the kingdom consisting almost wholly of sandy deserts, while Jugurtha obtained the fertile and populous western half (what was afterwards Mauretania Caesariensis and Sitifensis).

Siege of Cirta.

This was bad; but matters soon became worse. In order to be able under the semblance of self-defence to defraud Adherbal of his portion, Jugurtha provoked him to war; but when the weak man, rendered wiser by experience, allowed Jugurtha's horsemen to ravage his territory unhindered and contented himself with lodging complaints at Rome, Jugurtha, impatient of these ceremonies, began the war even without pretext. Adherbal was totally defeated in the region of the modern Philippeville, and threw himself into his capital of Cirta in the immediate vicinity. While the siege was in progress, and Jugurtha's troops were daily skirmishing with the numerous Italians who were settled in Cirta and who took a more vigorous part in the defence of the city than the Africans themselves, the commission despatched by the Roman senate on Adherbal's first complaint made its appearance; composed, of course, of young inexperienced men, such as the government of those times regularly employed in the ordinary missions of the state. The envoys demanded that Jugurtha should allow them as deputed by the protecting power to Adherbal to enter the city, and generally that he should suspend hostilities and accept their mediation. Jugurtha summarily rejected both demands, and the envoys hastily returned home—like boys, as they were—to report to the fathers of the city. The fathers listened to the report, and allowed their countrymen in

Cirta just to fight on as long as they pleased. It was not till, in the fifth month of the siege, a messenger of Adherbal stole through the entrenchments of the enemy and a letter of the king full of the most urgent entreaties reached the senate, that the latter roused itself and actually adopted a resolution—not to declare war as the minority demanded, but to send a new embassy—an embassy, however, headed by Marcus Scaurus, the great conqueror of the Taurisci and the freedmen, the imposing hero of the aristocracy, whose mere appearance would suffice to bring the refractory king to a different mind. In fact Jugurtha appeared, as he was bidden, at Utica to discuss the matter with Scaurus; endless debates were held; when at length the conference was concluded, not the slightest result had been obtained. The embassy returned to Rome without having declared war, and the king went off again to the siege of Cirta. Adherbal found himself reduced to extremities and despaired of Roman support; the Italians in Cirta moreover, weary of the siege and firmly relying for their own safety on the terror of the Roman name, urged a surrender. So the town capitulated. Jugurtha ordered his adopted brother to be executed amid cruel tortures, and all the adult male population of the town, Africans as well as Italians, to be put to the sword (642).

112.

Roman intervention.

A cry of indignation rose throughout Italy. The minority in the senate itself and every one out of the senate unanimously condemned the government, with whom the honour and interest of the country seemed mere commodities for sale; loudest of all was the outcry of the mercantile class, which was most directly affected by the sacrifice of the Roman and Italian merchants at Cirta. It is true that the majority of the senate still even now struggled; they appealed to the class-interests of the aristocracy, and set in motion all the contrivances of collegiate procrastination, with a view to preserve still longer the peace which

they loved. But when Gaius Memmius, designated as tribune of the people for next year, an active and eloquent man, brought the matter publicly forward and threatened in his capacity of tribune to call the worst offenders to judicial account, the senate permitted war to be declared against Jugurtha (642-3). The step seemed taken in earnest. The 112-111.
envoys of Jugurtha were dismissed from Italy without being admitted to an audience; the new consul Lucius Calpurnius Bestia, who was distinguished, among the members of his order at least, by judgment and activity, prosecuted the warlike preparations with energy; Marcus Scaurus himself took the post of a commander in the African army. In a short time a Roman army was on African ground, and marching upward along the Bagradas (Mejerdah) advanced into the Numidian kingdom, where the towns most remote from the seat of the royal power, such as Great Leptis, already voluntarily sent in their submission, while Bocchus king of Mauretania, although his daughter was married to Jugurtha, offered friendship and alliance to the Romans. Jugurtha himself lost courage, and sent envoys to the Roman head-quarters to request an armistice. The end of the contest seemed near, and came still more rapidly than was expected. The treaty with Bocchus broke down, because the king, unacquainted with Roman customs, had conceived that he should be able to conclude a treaty so advantageous for the Romans without any gratuity, and therefore had neglected to furnish his envoys with the usual market price of Roman alliances. Jugurtha at all events knew Roman institutions better, and had not omitted to support his proposals for an armistice by a due accompaniment of money; but he too was deceived. After the first negotiations it turned out that not an armistice merely but a peace was purchaseable at the Roman head-quarters. The royal treasury was still well filled with the savings of Massinissa; the transaction was soon settled. The treaty was concluded, after it had

Treaty between Rome and Numidia.

been for the sake of form submitted to a council of war, whose consent was procured after an irregular and extremely summary discussion. Jugurtha submitted at discretion; but the victor was merciful and gave him back his kingdom undiminished, in consideration of his paying a moderate fine and delivering up the Roman deserters and the war elephants (643); the greater part of the latter the king afterwards repurchased by bargaining with the individual Roman commandants and officers. 111.

On the news of this peace the storm once more broke forth in Rome. Everybody knew how the peace had been brought about; even Scaurus was evidently open to bribery, only at a price higher than the ordinary senatorial average. The legal validity of the peace was seriously assailed in the senate; Gaius Memmius declared that the king, if he had really submitted unconditionally, could not refuse to appear in Rome, and that he should accordingly be summoned before them, with the view of ascertaining how the matter actually stood as to the thoroughly irregular negotiations for peace by hearing both the contracting parties. They yielded to the inconvenient demand: but at the same time granted a safe-conduct to the king inconsistently with the law, for he came not as an enemy, but as one who had made his submission. Thereupon the king actually appeared at Rome and presented himself to be heard before the assembled people, which was with difficulty induced to respect the safe-conduct and to refrain from tearing in pieces on the spot the murderer of the Italians at Cirta. But scarcely had Gaius Memmius addressed his first question to the king, when one of his colleagues interfered in virtue of his veto and enjoined the king to be silent. Here too African gold was more powerful than the will of the sovereign people and of its supreme magistrates. Meanwhile the discussions respecting the validity of the peace so concluded went on in the senate, and the new consul

Spurius Postumius Albinus zealously supported the proposal to cancel it, in the expectation that in that case the chief command in Africa would devolve on him. This induced Massiva, a grandson of Massinissa living in Rome, to assert before the senate his claims to the vacant Numidian kingdom; upon which Bomilcar, one of the confidants of king Jugurtha, doubtless under his instructions made away with the rival of his master by assassination, and, when he was prosecuted on account of it, escaped with Jugurtha's aid from Rome.

Cancelling of the treaty. Declaration of war. 111-110.

This new outrage perpetrated under the eyes of the Roman government was at least so far effectual, that the senate now cancelled the peace and dismissed the king from the city (winter of 643–644). The war was accordingly resumed, and the consul Spurius Albinus was invested with the command (644). But the African army down to its lowest ranks was in a state of disorganization corresponding to such a political and military superintendence. Not only had discipline ceased and the spoliation of Numidian townships and even of the Roman provincial territory become during the suspension of hostilities the chief business of the Roman soldiery, but not a few officers and soldiers had as well as their generals entered into secret understanding with the enemy. It is easy to see that such an army could do nothing in the field; and if Jugurtha on this occasion bribed the Roman general into inaction, as was afterwards judicially asserted against the latter, he did in truth what was superfluous. Spurius Albinus therefore contented himself with doing nothing. On the other hand his brother who after his departure assumed the interim command—the equally foolhardy and incapable Aulus Postumius—in the middle of winter fell on the idea of seizing by a bold *coup de main* the treasures of the king, which were kept in the town of Suthul (afterwards Calama, now Guelma) difficult of access and still more

110.

difficult of conquest. The army set out thither and reached the town; but the siege was unsuccessful and without prospect of result, and, when the king who had remained for a time with his troops in front of the town went into the desert, the Roman general preferred to pursue him. This was precisely what Jugurtha intended; in a nocturnal assault, which was favoured by the difficulties of the ground and the secret understanding which Jugurtha had with some in the Roman army, the Numidians captured the Roman camp, and drove the Romans, many of whom were unarmed, before them in the most complete and disgraceful rout. The consequence was a capitulation, the terms of which—the marching off of the Roman army under the yoke, the immediate evacuation of the whole Numidian territory, and the renewal of the treaty cancelled by the senate—were dictated by Jugurtha and accepted by the Romans (in the beginning of 645).

Capitulation of the Romans. Second peace.

109.

Dissatisfaction in the capital.

This was too much to be borne. While the Africans were exulting and the prospect—thus suddenly opened up—of such an overthrow of the alien domination as had been reckoned scarcely possible was bringing numerous tribes of the free and half-free inhabitants of the desert to the standards of the victorious king, public opinion in Italy was vehemently aroused against the equally corrupt and pernicious governing aristocracy, and broke out in a storm of prosecutions which, fostered by the exasperation of the mercantile class, swept away a succession of victims from the highest circles of the nobility. On the proposal of the tribune of the people Gaius Mamilius Limetanus, in spite of the timid attempts of the senate to avert the threatened punishment, an extraordinary jury-commission was appointed to investigate the high treason that had occurred in connection with the question of the Numidian succession; and its sentences sent the two former commanders-in-chief Gaius Bestia and Spurius Albinus as well as Lucius Opimius, the

head of the first African commission and the executioner withal of Gaius Gracchus, along with numerous other less notable men of the government party, guilty and innocent, into exile. That these prosecutions, however, were only intended to appease the excitement of public opinion, in the capitalist circles more especially, by the sacrifice of some of the persons most compromised, and that there was in them not the slightest trace of a rising of popular indignation against the government itself, void as it was of right and honour, is shown very clearly by the fact that no one ventured to attack the guiltiest of the guilty, the prudent and powerful Scaurus; on the contrary he was about this very time elected censor and also, incredible as it may seem, chosen as one of the presidents of the extraordinary commission of treason. Still less was any attempt even made to interfere with the functions of the government, and it was left solely to the senate to put an end to the Numidian scandal in a manner as gentle as possible for the aristocracy; for that it was time to do so, even the most aristocratic aristocrat probably began to perceive.

Cancelling of the second treaty.

The senate in the first place cancelled the second treaty of peace—to surrender to the enemy the commander who had concluded it, as was done some thirty years before, seemed according to the new ideas of the sanctity of treaties no longer necessary—and determined, this time in all earnest, to renew the war. The supreme command in Africa was entrusted, as was natural, to an aristocrat, but yet to one of the few men of quality who in a military and moral point of view were equal to the task. The choice fell on Quintus Metellus. He was, like the whole powerful family to which he belonged, in principle a rigid and unscrupulous aristocrat; as a magistrate, he, no doubt, reckoned it honourable to hire assassins for the good of the state and would presumably have ridiculed the act of Fabricius towards Pyrrhus as unpractical knight errantry,

Metellus appointed to the command

but he was an inflexible administrator accessible neither to fear nor to corruption, and a judicious and experienced warrior. In this respect he was so far free from the prejudices of his order that he selected as his lieutenants not men of rank, but the excellent officer Publius Rutilius Rufus, who was esteemed in military circles for his exemplary discipline and as the author of an altered and improved system of drill, and the brave Latin farmer's son Gaius Marius, who had risen from the pike. Attended by these and other able officers, Metellus presented himself in
109. the course of 645 as consul and commander-in-chief to the African army, which he found in such disorder that the generals had not hitherto ventured to lead it into the enemy's territory and it was formidable to none save the unhappy inhabitants of the Roman province. It was
108. sternly and speedily reorganized, and in the spring of 646[1]

[1] In the exciting and clever description of this war by Sallust the chronology has been unduly neglected. The war terminated in the
105. summer of 649 (*c.* 114); if therefore Marius began his management of the
107. war as consul in 647, he held the command there in three campaigns. But the narrative describes only two, and rightly so. For, just as Metellus
109. to all appearance went to Africa as early as 645, but, since he arrived late (*c.* 37, 44), and the reorganization of the army cost time (*c.* 44), only began his operations in the following year, in like manner Marius, who was likewise detained for a considerable time in Italy by his military prepara-
107. tions (*c.* 84), entered on the chief command either as consul in 647 late in the season and after the close of the campaign, or only as proconsul in
106. 108. 648; so that the two campaigns of Metellus thus fall in 646, 647, and
107. 106. those of Marius in 648, 649. It is in keeping with this that Metellus did
105. 106. not triumph till the year 648 (*Eph. epigr.* iv. p. 277). With this view the circumstance also very well accords, that the battle on the Muthul and the siege of Zama must, from the relation in which they stand to Marius'
108. candidature for the consulship, be necessarily placed in 646. In no case can the author be pronounced free from inaccuracies; Marius, for instance,
105. is even spoken of by him as consul in 649.

The prolongation of the command of Metellus, which Sallust reports (lxii. 10), can in accordance with the place at which it stands only refer to
107. the year 647; when in the summer of 646 on the footing of the Sempronian law the provinces of the consuls to be elected for 647 were to be fixed, the senate destined two other provinces and thus left Numidia to Metellus. This resolve of the senate was overturned by the plebiscitum mentioned at lxxii. 7. The following words which are transmitted to us defectively in the best manuscripts of both families, *sed paulo . . . decreverat; ea res frustra fuit*, must either have named the provinces

Metellus led it over the Numidian frontier. When Jugurtha perceived the altered state of things, he gave himself up as lost, and, before the struggle began, made earnest proposals for an accommodation, requesting ultimately nothing more than a guarantee for his life. Metellus, however, was resolved and perhaps even instructed not to terminate the war except with the unconditional subjugation and execution of the daring client-prince; which was in fact the only issue that could satisfy the Romans. Jugurtha since the victory over Albinus was regarded as the deliverer of Libya from the rule of the hated foreigners; unscrupulous and cunning as he was, and unwieldy as was the Roman government, he might at any time even after a peace rekindle the war in his native country; tranquillity would not be secured, and the removal of the African army would not be possible, until king Jugurtha should cease to exist. Officially Metellus gave evasive answers to the proposals of the king; secretly he instigated the envoys to deliver their master living or dead to the Romans. But, when the Roman general undertook to compete with the African in the field of assassination, he there met his master; Jugurtha saw through the plan, and, when he could not do otherwise, prepared for a desperate resistance.

Renewal of the war.

Beyond the utterly barren mountain-range, over which lay the route of the Romans into the interior, a plain of eighteen miles in breadth extended as far as the river Muthul, which ran parallel to the mountain-chain. The plain was destitute of water and of trees except in the immediate vicinity of the river, and was only intersected by a hill-ridge covered with low brushwood. On this ridge Jugurtha awaited the Roman army. His troops were arranged in two masses; the one, including a part

Battle on the Muthul.

destined for the consuls by the senate, possibly *sed paulo* [*ante ut consulibus Italia et Gallia provinciae essent senatus*] *decreverat* or have run according to the way of filling up the passage in the ordinary manuscripts; *sed paulo* [*ante senatus Metello Numidiam*] *decreverat*.

of the infantry and the elephants, under Bomilcar at the point where the ridge abutted on the river, the other, embracing the flower of the infantry and all the cavalry, higher up towards the mountain-range, concealed by the bushes. On debouching from the mountains, the Romans saw the enemy in a position completely commanding their right flank; and, as they could not possibly remain on the bare and arid crest of the chain and were under the necessity of reaching the river, they had to solve the difficult problem of gaining the stream through the entirely open plain of eighteen miles in breadth, under the eyes of the enemy's horsemen and without light cavalry of their own. Metellus despatched a detachment under Rufus straight towards the river, to pitch a camp there; the main body marched from the defiles of the mountain-chain in an oblique direction through the plain towards the hill-ridge, with a view to dislodge the enemy from the latter. But this march in the plain threatened to become the destruction of the army; for, while Numidian infantry occupied the mountain defiles in the rear of the Romans as the latter evacuated them, the Roman attacking column found itself assailed on all sides by swarms of the enemy's horse, who charged down on it from the ridge. The constant onset of the hostile swarms hindered the advance, and the battle threatened to resolve itself into a number of confused and detached conflicts; while at the same time Bomilcar with his division detained the corps under Rufus, to prevent it from hastening to the help of the hard-pressed Roman main army. Nevertheless Metellus and Marius with a couple of thousand soldiers succeeded in reaching the foot of the ridge; and the Numidian infantry which defended the heights, in spite of their superior numbers and favourable position, fled almost without resistance when the legionaries charged at a rapid pace up the hill. The Numidian infantry held

its ground equally ill against Rufus; it was scattered at the first charge, and the elephants were all killed or captured on the broken ground. Late in the evening the two Roman divisions, each victorious on its own part and each anxious as to the fate of the other, met between the two fields of battle. It was a battle attesting alike the uncommon military talent of Jugurtha and the indestructible solidity of the Roman infantry, which alone had converted their strategical defeat into a victory. Jugurtha sent home a great part of his troops after the battle, and restricted himself to a guerilla warfare, which he likewise managed with skill.

Numidia occupied by the Romans.

The two Roman columns, the one led by Metellus, the other by Marius—who, although by birth and rank the humblest, occupied since the battle on the Muthul the first place among the chiefs of the staff—traversed the Numidian territory, occupied the towns, and, when any place did not readily open its gates, put to death the adult male population. But the most considerable among the eastern inland towns, Zama, opposed to the Romans a serious resistance, which the king energetically supported. He was even successful in surprising the Roman camp; and the Romans found themselves at last compelled to abandon the siege and to go into winter quarters. For the sake of more easily provisioning his army Metellus, leaving behind garrisons in the conquered towns, transferred it into the Roman province, and employed the opportunity of suspended hostilities to institute fresh negotiations, showing a disposition to grant to the king a peace on tolerable terms. Jugurtha readily entered into them; he had at once bound himself to pay 200,000 pounds of silver, and had even delivered up his elephants and 300 hostages, as well as 3000 Roman deserters, who were immediately put to death. At the same time, however, the king's most confidential counsellor, Bomilcar—

who not unreasonably apprehended that, if peace should ensue, Jugurtha would deliver him up as the murderer of Massiva to the Roman courts—was gained by Metellus and induced, in consideration of an assurance of impunity as respected that murder and of great rewards, to promise that he would deliver the king alive or dead into the hands of the Romans. But neither that official negotiation nor this intrigue led to the desired result. When Metellus brought forward the suggestion that the king should give himself up in person as a prisoner, the latter broke off the negotiations; Bomilcar's intercourse with the enemy was discovered, and he was arrested and executed. These diplomatic cabals of the meanest kind admit of no apology; but the Romans had every reason to aim at the possession of the person of their antagonist. The war had reached a point, at which it could neither be carried farther nor abandoned. The state of feeling in Numidia was evinced by the revolt of Vaga,[1] the most considerable of the cities
108-107. occupied by the Romans, in the winter of 646–7; on which occasion the whole Roman garrison, officers and men, were put to death with the exception of the commandant Titus Turpilius Silanus, who was afterwards—whether rightly or wrongly, we cannot tell—condemned to death by a Roman court-martial and executed for having an understanding with the enemy. The town was surprised by Metellus on the second day after its revolt, and given over to all the rigour of martial law; but if such was the temper of the easy to be reached and comparatively submissive dwellers on the banks of the Bagradas, what might be looked for farther inland and among the roving tribes of the desert? Jugurtha was the idol of the Africans, who readily overlooked the double fratricide in the liberator and avenger of their nation. Twenty years afterwards a Numidian corps which was

[1] Now Beja on the Mejerdah.

fighting in Italy for the Romans had to be sent back in all haste to Africa, when the son of Jugurtha appeared in the enemy's ranks; we may infer from this, how great was the influence which he himself exercised over his people. What prospect was there of a termination of the struggle in regions where the combined peculiarities of the population and of the soil allowed a leader, who had once secured the sympathies of the nation, to protract the war in endless guerilla conflicts, or even to let it sleep for a time in order to revive it at the right moment with renewed vigour?

War in the desert. [107.

When Metellus again took the field in 647, Jugurtha nowhere held his ground against him; he appeared now at one point, now at another far distant; it seemed as if they would as easily get the better of the lions as of these horsemen of the desert. A battle was fought, a victory was won; but it was difficult to say what had been gained by the victory. The king had vanished out of sight in the distance. In the interior of the modern beylik of Tunis, close on the edge of the great desert, there lay on an oasis provided with springs the strong place Thala;[1] thither Jugurtha had retired with his children, his treasures, and the flower of his troops, there to await better times. Metellus ventured to follow the king through a desert, in which his troops had to carry water along with them in skins forty-five miles; Thala was reached and fell after a forty days' siege; but the Roman deserters destroyed the most valuable part of the booty along with the building in which they burnt themselves after the capture of the town, and—what was of more consequence—king Jugurtha escaped with his children and his chest. Numidia was no doubt virtually in the

[1] The locality has not been discovered. The earlier supposition that Thelepte (near Feriana, to the northward of Capsa) was meant, is arbitrary; and the identification with a locality still at the present day named Thala to the east of Capsa is not duly made out.

hands of the Romans; but, instead of their object being thereby gained, the war seemed only to extend over a field wider and wider. In the south the free Gaetulian tribes of the desert began at the call of Jugurtha a national war against the Romans. In the west Bocchus king of Mauretania, whose friendship the Romans had in earlier times despised, seemed now not indisposed to make common cause with his son-in-law against them; he not only received him in his court, but, uniting to Jugurtha's followers his own numberless swarms of horsemen, he marched into the region of Cirta, where Metellus was in winter quarters. They began to negotiate: it was clear that in the person of Jugurtha he held in his hands the real prize of the struggle for Rome. But what were his intentions—whether to sell his son-in-law dear to the Romans, or to take up the national war in concert with that son-in-law—neither the Romans nor Jugurtha nor perhaps even the king himself knew; and he was in no hurry to abandon his ambiguous position.

Mauretanian complications.

Thereupon Metellus left the province, which he had been compelled by decree of the people to give up to his former lieutenant Marius who was now consul; and the latter assumed the supreme command for the next campaign in 648. He was indebted for it in some degree to a revolution. Relying on the services which he had rendered and at the same time on oracles which had been communicated to him, he had resolved to come forward as a candidate for the consulship. If the aristocracy had supported the constitutional, and in other respects quite justifiable, candidature of this able man, who was not at all inclined to take part with the opposition, nothing would have come of the matter but the enrolment of a new family in the consular Fasti. Instead of this the man of non-noble birth, who aspired to the highest public dignity, was reviled by the whole governing caste as a daring innovator

Marius commander-in-chief.

106.

and revolutionist; just as the plebeian candidate had been formerly treated by the patricians, but now without any formal ground in law. The brave officer was sneered at in sharp language by Metellus—Marius was told that he might wait with his candidature till Metellus' son, a beardless boy, could be his colleague—and he was with the worst grace suffered to leave almost at the last moment, that he might appear in the capital as a candidate for the consulship of 647. There he amply retaliated on his 107.
general the wrong which he had suffered, by criticising before the gaping multitude the conduct of the war and the administration of Metellus in Africa in a manner as unmilitary as it was disgracefully unfair; and he did not even disdain to serve up to the darling populace—always whispering about secret conspiracies equally unprecedented and indubitable on the part of their noble masters—the silly story, that Metellus was designedly protracting the war in order to remain as long as possible commander-in-chief. To the idlers of the streets this was quite clear: numerous persons unfriendly for reasons good or bad to the government, and especially the justly-indignant mercantile order, desired nothing better than such an opportunity of annoying the aristocracy in its most sensitive point: he was elected to the consulship by an enormous majority, and not only so, but, while in other cases by the law of Gaius Gracchus the decision as to the respective functions to be assigned to the consuls lay with the senate (p. 355), the arrangement made by the senate which left Metellus at his post was overthrown, and by decree of the sovereign comitia the supreme command in the African war was committed to Marius.

Conflicts without result. 107.

Accordingly he took the place of Metellus in the course of 647; and held the command in the campaign of the following year; but his confident promise to do better than his predecessor and to deliver Jugurtha bound hand and

foot with all speed at Rome was more easily given than fulfilled. Marius carried on a desultory warfare with the Gaetulians; he reduced several towns that had not previously been occupied; he undertook an expedition to Capsa (*Gafsa*) in the extreme south-east of the kingdom, which surpassed even that of Thala in difficulty, took the town by capitulation, and in spite of the convention caused all the adult men in it to be slain—the only means, no doubt, of preventing the renewed revolt of that remote city of the desert; he attacked a mountain-stronghold—situated on the river Molochath, which separated the Numidian territory from the Mauretanian—whither Jugurtha had conveyed his treasure-chest, and, just as he was about to desist from the siege in despair of success, fortunately gained possession of the impregnable fastness through the *coup de main* of some daring climbers. Had his object merely been to harden the army by bold razzias and to procure booty for the soldiers, or even to eclipse the march of Metellus into the desert by an expedition going still farther, this method of warfare might be allowed to pass unchallenged; but the main object to be aimed at, and which Metellus had steadfastly and perseveringly kept in view—the capture of Jugurtha—was in this way utterly set aside. The expedition of Marius to Capsa was a venture as aimless, as that of Metellus to Thala had been judicious; but the expedition to the Molochath, which passed along the border of, if not into, the Mauretanian territory, was directly repugnant to sound policy. King Bocchus, in whose power it lay to bring the war to an issue favourable for the Romans or endlessly to prolong it, now concluded with Jugurtha a treaty, in which the latter ceded to him a part of his kingdom and Bocchus promised actively to support his son-in-law against Rome. The Roman army, which was returning from the river Molochath, found itself one evening suddenly surrounded by immense masses of

Mauretanian and Numidian cavalry; they were obliged to fight just as the divisions stood without forming in a proper order of battle or carrying out any leading command, and had to deem themselves fortunate when their sadly-thinned troops were brought into temporary safety for the night on two hills not far remote from each other. But the culpable negligence of the Africans intoxicated with victory wrested from them its consequences; they allowed themselves to be surprised in a deep sleep during the morning twilight by the Roman troops which had been in some measure reorganized during the night, and were fortunately dispersed. Thereupon the Roman army continued its retreat in better order and with greater caution; but it was yet again assailed simultaneously on all the four sides and was in great danger, till the cavalry officer Lucius Cornelius Sulla first dispersed the squadrons opposed to him and then, rapidly returning from their pursuit, threw himself also on Jugurtha and Bocchus at the point where they in person pressed hard on the rear of the Roman infantry. Thus this attack also was successfully repelled; Marius brought his army back to Cirta, and took up his winter quarters there (648–9). 106-105.

Strange as it may seem, we can yet understand why the Romans now, after king Bocchus had commenced the war, began to make most zealous exertions to secure his friendship, which they had at first slighted and thereafter had at least not specially sought; by doing so they gained this advantage, that no formal declaration of war took place on the part of Mauretania. King Bocchus was not unwilling to return to his old ambiguous position: without dissolving his agreement with Jugurtha or dismissing him, he entered into negotiations with the Roman general respecting the terms of an alliance with Rome. When they were agreed or seemed to be so, the king requested that, for the purpose of concluding the treaty and receiving the royal captive, Negotiations with Bocchus.

Marius would send to him Lucius Sulla, who was known and acceptable to the king partly from his having formerly appeared as envoy of the senate at the Mauretanian court, partly from the commendations of the Mauretanian envoys destined for Rome to whom Sulla had rendered services on their way. Marius was in an awkward position. His declining the suggestion would probably lead to a breach; his accepting it would throw his most aristocratic and bravest officer into the hands of a man more than untrustworthy, who, as every one knew, played a double game with the Romans and with Jugurtha, and who seemed almost to have contrived the scheme for the purpose of obtaining for himself provisional hostages from both sides in the persons of Jugurtha and Sulla. But the wish to terminate the war outweighed every other consideration, and Sulla agreed to undertake the perilous task which Marius suggested to him. He boldly departed under the guidance of Volux the son of king Bocchus, nor did his resolution waver even when his guide led him through the midst of Jugurtha's camp. He rejected the pusillanimous proposals of flight that came from his attendants, and marched, with the king's son at his side, uninjured through the enemy. The daring officer evinced the same decision in the discussions with the sultan, and induced him at length seriously to make his choice.

Surrender and execution of Jugurtha.

Jugurtha was sacrificed. Under the pretext that all his requests were to be granted, he was allured by his own father-in-law into an ambush, his attendants were killed, and he himself was taken prisoner. The great traitor thus fell by the treachery of his nearest relatives. Lucius Sulla brought the crafty and restless African in chains along with his children to the Roman headquarters; and the war which had lasted for seven years was at an end. The victory was primarily associated with the name of Marius. King Jugurtha in royal robes and in chains, along with his

two sons, preceded the triumphal chariot of the victor, when he entered Rome on the 1st of January 650: by his 104.
orders the son of the desert perished a few days afterwards in the subterranean city-prison, the old *tullianum* at the Capitol—the "bath of ice," as the African called it, when he crossed the threshold in order either to be strangled or to perish from cold and hunger there. But it could not be denied that Marius had the least important share in the actual successes: the conquest of Numidia up to the edge of the desert was the work of Metellus, the capture of Jugurtha was the work of Sulla, and between the two Marius played a part somewhat compromising the dignity of an ambitious upstart. Marius reluctantly tolerated the assumption by his predecessor of the name of conqueror of Numidia; he flew into a violent rage when king Bocchus afterwards consecrated a golden effigy at the Capitol, which represented the surrender of Jugurtha to Sulla; and yet in the eyes of unprejudiced judges the services of these two threw the generalship of Marius very much into the shade —more especially Sulla's brilliant expedition to the desert, which had made his courage, his presence of mind, his acuteness, his power over men to be recognized by the general himself and by the whole army. In themselves these military rivalries would have been of little moment, if they had not been mixed up with the conflict of political parties, if the opposition had not supplanted the senatorial general by Marius, and if the party of the government had not, with the deliberate intention of exasperating, praised Metellus and still more Sulla as the military celebrities and preferred them to the nominal victor. We shall have to return to the fatal consequences of these animosities when narrating the internal history.

Reorganization of Numidia.

Otherwise, this insurrection of the Numidian client-state passed away without producing any noticeable change either in political relations generally or even in those of

the African province. By a deviation from the policy elsewhere followed at this period Numidia was not converted into a Roman province; evidently because the country could not be held without an army to protect the frontier against the barbarians of the desert, and the Romans were by no means disposed to maintain a standing army in Africa. They contented themselves accordingly with annexing the most westerly district of Numidia, probably the tract from the river Molochath to the harbour of Saldae (Bougie)—the later Mauretania Caesariensis (province of Algiers)—to the kingdom of Bocchus, and with handing over the kingdom of Numidia thus diminished to the last legitimate grandson of Massinissa still surviving, Gauda the half-brother of Jugurtha, feeble in
108. body and mind, who had already in 646 at the suggestion of Marius asserted his claims before the senate.[1] At the same time the Gaetulian tribes in the interior of Africa were received as free allies into the number of the independent nations that had treaties with Rome.

Political results.

Of greater importance than this regulation of African

[1] Sallust's political *genre*-painting of the Jugurthine war—the only picture that has preserved its colours fresh in the otherwise utterly faded and blanched tradition of this epoch—closes with the fall of Jugurtha, faithful to its style of composition, poetical, not historical; nor does there elsewhere exist any connected account of the treatment of the Numidian kingdom. That Gauda became Jugurtha's successor is indicated by Sallust, *c.* 65 and Dio. *Fr.* 79, 4, Bekk., and confirmed by an inscription of Carthagena (Orell. 630), which calls him king and father of Hiempsal II. That on the east the frontier relations subsisting between Numidia on the one hand and Roman Africa and Cyrene on the other remained unchanged, is shown by Caesar (*B.C.* ii. 38; *B. Afr.* 43, 77) and by the later provincial constitution. On the other hand the nature of the case implied, and Sallust (*c.* 97, 102, 111) indicates, that the kingdom of Bocchus was considerably enlarged; with which is undoubtedly connected the fact, that Mauretania, originally restricted to the region of Tingis (Morocco), afterwards extended to the region of Caesarea (province of Algiers) and to that of Sitifis (western half of the province of Constantine).
105. As Mauretania was twice enlarged by the Romans, first in 649 after the
46. surrender of Jugurtha, and then in 708 after the breaking up of the Numidian kingdom, it is probable that the region of Caesarea was added on the first, and that of Sitifis on the second augmentation.

clientship were the political consequences of the Jugurthine war or rather of the Jugurthine insurrection, although these have been frequently estimated too highly. Certainly all the evils of the government were therein brought to light in all their nakedness; it was now not merely notorious but, so to speak, judicially established, that among the governing lords of Rome everything was treated as venal—the treaty of peace and the right of intercession, the rampart of the camp and the life of the soldier; the African had said no more than the simple truth, when on his departure from Rome he declared that, if he had only gold enough, he would undertake to buy the city itself. But the whole external and internal government of this period bore the same stamp of miserable baseness. In our case the accidental fact, that the war in Africa is brought nearer to us by means of better accounts than the other contemporary military and political events, shifts the true perspective; contemporaries learned by these revelations nothing but what everybody knew long before and every intrepid patriot had long been in a position to support by facts. The circumstance, however, that they were now furnished with some fresh, still stronger and still more irrefutable, proofs of the baseness of the restored senatorial government—a baseness only surpassed by its incapacity—might have been of importance, had there been an opposition and a public opinion with which the government would have found it necessary to come to terms. But this war had in fact exposed the corruption of the government no less than it had revealed the utter nullity of the opposition. It was not possible to govern worse than the restoration governed in the years 637–645; it was not possible to 117-109.
stand forth more defenceless and forlorn than was the Roman senate in 645: had there been in Rome a real 109.
opposition, that is to say, a party which wished and urged a fundamental alteration of the constitution, it must

necessarily have now made at least an attempt to overturn the restored senate. No such attempt took place; the political question was converted into a personal one, the generals were changed, and one or two useless and unimportant people were banished. It was thus settled, that the so-called popular party as such neither could nor would govern; that only two forms of government were at all possible in Rome, a *tyrannis* or an oligarchy; that, so long as there happened to be nobody sufficiently well known, if not sufficiently important, to usurp the regency of the state, the worst mismanagement endangered at the most individual oligarchs, but never the oligarchy; that on the other hand, so soon as such a pretender appeared, nothing was easier than to shake the rotten curule chairs. In this respect the coming forward of Marius was significant, just because it was in itself so utterly unwarranted. If the burgesses had stormed the senate-house after the defeat of Albinus, it would have been a natural, not to say a proper course; but after the turn which Metellus had given to the Numidian war, nothing more could be said of mismanagement, and still less of danger to the commonwealth, at least in this respect; and yet the first ambitious officer who turned up succeeded in doing that with which the older Africanus had once threatened the government (p. 58), and procured for himself one of the principal military commands against the distinctly-expressed will of the governing body. Public opinion, unavailing in the hands of the so-called popular party, became an irresistible weapon in the hands of the future king of Rome. We do not mean to say that Marius intended to play the pretender, at least at the time when he canvassed the people for the supreme command in Africa; but, whether he did or did not understand what he was doing, there was evidently an end of the restored aristocratic government when the comitial machine began to make generals, or, which was nearly the same thing,

when every popular officer was able in legal fashion to nominate himself as general. Only one new element emerged in these preliminary crises; this was the introduction of military men and of military power into the political revolution. Whether the coming forward of Marius would be the immediate prelude of a new attempt to supersede the oligarchy by the *tyrannis*, or whether it would, as in various similar cases, pass away without further consequence as an isolated encroachment on the prerogative of the government, could not yet be determined; but it could well be foreseen that, if these rudiments of a second *tyrannis* should attain any development, it was not a statesman like Gaius Gracchus, but an officer that would become its head. The contemporary reorganization of the military system—which Marius introduced when, in forming his army destined for Africa, he disregarded the property-qualification hitherto required, and allowed even the poorest burgess, if he was otherwise serviceable, to enter the legion as a volunteer—may have been projected by its author on purely military grounds; but it was none the less on that account a momentous political event, that the army was no longer, as formerly, composed of those who had much, no longer even, as in the most recent times, composed of those who had something, to lose, but became gradually converted into a host of people who had nothing but their arms and what the general bestowed on them. The aristocracy ruled in 650 just as absolutely as in 620; but the signs of the impending catastrophe had multiplied, and on the political horizon the sword had begun to appear by the side of the crown. 104. 134.

CHAPTER V

THE PEOPLES OF THE NORTH

Relations of Rome to the north.

FROM the close of the sixth century the Roman community ruled over the three great peninsulas projecting from the northern continent into the Mediterranean, at least taken as a whole. Even there however—in the north and west of Spain, in the valleys of the Ligurian Apennines and the Alps, and in the mountains of Macedonia and Thrace—tribes wholly or partially free continued to defy the lax Roman government. Moreover the continental communication between Spain and Italy as well as between Italy and Macedonia was very superficially provided for, and the countries beyond the Pyrenees, the Alps, and the Balkan chain—the great river basins of the Rhone, the Rhine, and the Danube—in the main lay beyond the political horizon of the Romans. We have now to set forth what steps were taken on the part of Rome to secure and to round off her empire in this direction, and how at the same time the great masses of peoples, who were ever moving to and fro behind that mighty mountain-screen, began to beat at the gates of the northern mountains and rudely to remind the Graeco-Roman world that it was mistaken in believing itself the sole possessor of the earth.

The country between the Alps and Pyrenees.

Let us first glance at the region between the western Alps and the Pyrenees. The Romans had for long commanded this part of the coast of the Mediterranean through

their client city of Massilia, one of the oldest, most faithful, and most powerful of the allied communities dependent on Rome. Its maritime stations, Agatha (Agde) and Rhoda (Rosas) to the westward, and Tauroentium (Ciotat), Olbia (Hyères?), Antipolis (Antibes), and Nicaea (Nice) on the east secured the navigation of the coast as well as the land-route from the Pyrenees to the Alps; and its mercantile and political connections reached far into the interior. An expedition into the Alps above Nice and Antibes, directed against the Ligurian Oxybii and Decietae, was undertaken by the Romans in 600 partly at the request of the Massiliots, partly in their own interest; and after hot conflicts, some of which were attended with much loss, this district of the mountains was compelled to furnish thenceforth standing hostages to the Massiliots and to pay them a yearly tribute. It is not improbable that about this same period the cultivation of the vine and olive, which flourished in this quarter after the model set by the Massiliots, was in the interest of the Italian landholders and merchants simultaneously prohibited throughout the territory beyond the Alps dependent on Massilia.[1] A similar character of financial speculation marks the war, which was waged by the Romans under the consul Appius Claudius in 611 against the Salassi respecting the gold mines and gold washings of Victumulae (in the district of Vercelli and Bard and in the whole valley of the Dorea Baltea). The great extent of these washings, which deprived the inhabitants of the country lying lower down of water for their fields, first gave rise to an attempt at mediation and then to the armed intervention of the

Conflicts with the Ligurians, 154.

and the Salassi. 143.

[1] If Cicero has not allowed himself to fall into an anachronism when he makes Africanus say this as early as 625 (*de Rep.* iii. 9), the view indicated in the text remains perhaps the only possible one. This enactment did not refer to Northern Italy and Liguria, as the cultivation of the vine by the Genuates in 637 (p. 81, *note*) proves; and as little to the immediate territory of Massilia (Just. xliii 4; Posidon. *Fr.* 25, Müll.; Strabo, iv. 179). The large export of wine and oil from Italy to the region of the Rhone in the seventh century of the city is well known. 129. 117.

Romans. The war, although the Romans began it like all the other wars of this period with a defeat, led at last to the subjugation of the Salassi, and the cession of the gold district to the Roman treasury. Some forty years afterwards
100. (654) the colony of Eporedia (Ivrea) was instituted on the territory thus gained, chiefly doubtless with a view to command the western, as Aquileia commanded the eastern, passage of the Alps.

Trans-alpine relations of Rome.

These Alpine wars first assumed a more serious character, when Marcus Fulvius Flaccus, the faithful ally of Gaius Gracchus, took the chief command in this quarter as consul
125. in 629. He was the first to enter on the career of Trans-alpine conquest. In the much-divided Celtic nation at this period the canton of the Bituriges had lost its real hegemony and retained merely an honorary presidency, and the actually leading canton in the region from the Pyrenees to the Rhine and from the Mediterranean to the Western Ocean was that of the Arverni;[1] so that the statement seems not quite an exaggeration, that it could bring into the field as many as 180,000 men. With them the Haedui (about Autun) carried on an unequal rivalry for the hegemony; while in north-eastern Gaul the kings of the Suessiones (about Soissons) united under their protectorate the league of the Belgic tribes extending as far as Britain. Greek travellers of that period had much to tell of the magnificent state maintained by Luerius, king of the Arvernians—how, surrounded by his brilliant train of clansmen, his huntsmen with their pack of hounds in leash and his band of wandering minstrels, he travelled in a silver-mounted chariot through the towns of his kingdom, scattering the gold with a full hand among the multitude, and gladdening above all the heart of the minstrel with the glittering shower. The descriptions of the open table

The Arverni.

[1] In Auvergne. Their capital, Nemetum or Nemossus, lay not far from Clermont.

which he kept in an enclosure of 1500 double paces square, and to which every one who came in the way was invited, vividly remind us of the marriage-table of Camacho. In fact, the numerous Arvernian gold coins of this period still extant show that the canton of the Arvernians had attained to extraordinary wealth and a comparatively high standard of civilization.

War with the Allobroges and Arverni.

The attack of Flaccus, however, fell in the first instance not on the Arverni, but on the smaller tribes in the district between the Alps and the Rhone, where the original Ligurian inhabitants had become mixed with subsequent arrivals of Celtic bands, and there had arisen a Celto-Ligurian population that may in this respect be compared to the Celtiberian. He fought (629, 630) with success against 125. 124. the Salyes or Salluvii in the region of Aix and in the valley of the Durance, and against their northern neighbours the Vocontii (in the departments of Vaucluse and Drôme); and so did his successor Gaius Sextius Calvinus (631, 632) 123. 122. against the Allobroges, a powerful Celtic clan in the rich valley of the Isère, which had come at the request of the fugitive king of the Salyes, Tutomotulus, to help him to reconquer his land, but was defeated in the district of Aix. When the Allobroges nevertheless refused to surrender the king of the Salyes, Gnaeus Domitius Ahenobarbus, the successor of Calvinus, penetrated into their own territory (632). 122. Up to this period the leading Celtic tribe had been spectators of the encroachments of their Italian neighbours; the Arvernian king Betuitus, son of the Luerius already mentioned, seemed not much inclined to enter on a dangerous war for the sake of the loose relation of clientship in which the eastern cantons might stand to him. But when the Romans showed signs of attacking the Allobroges in their own territory, he offered his mediation, the rejection of which was followed by his taking the field with all his forces to help the Allobroges; whereas the Haedui embraced the

side of the Romans. On receiving accounts of the rising
121. of the Arverni, the Romans sent the consul of 633, Quintus Fabius Maximus, to meet in concert with Ahenobarbus the impending attack. On the southern border of the canton of the Allobroges at the confluence of the Isère
121. with the Rhone, on the 8th of August 633, the battle was fought which decided the mastery of southern Gaul. King Betuitus, when he saw the innumerable hosts of the dependent clans marching over to him on the bridge of boats thrown across the Rhone and the Romans who had not a third of their numbers forming in array against them, is said to have exclaimed that there were not enough of the latter to satisfy the dogs of the Celtic army. Nevertheless Maximus, a grandson of the victor of Pydna, achieved a decisive victory, which, as the bridge of boats broke down under the mass of the fugitives, ended in the destruction of the greater part of the Arvernian army. The Allobroges, to whom the king of the Arverni declared himself unable to render further assistance, and whom he advised to make their peace with Maximus, submitted to the consul; whereupon the latter, thenceforth called Allobrogicus, returned to Italy and left to Ahenobarbus the no longer distant termination of the Arvernian war. Ahenobarbus, personally exasperated at king Betuitus because he had induced the Allobroges to surrender to Maximus and not to him, possessed himself treacherously of the person of the king and sent him to Rome, where the senate, although disapproving the breach of fidelity, not only kept the men betrayed, but gave orders that his son, Congonnetiacus, should likewise be sent to Rome. This seems to have been the reason why the Arvernian war, already almost at an end, once more broke out, and a second appeal to arms took place at Vindalium (above Avignon) at the confluence of the Sorgue with the Rhone. The result was not different from that of the first: on this occasion it was

chiefly the African elephants that scattered the Celtic army. Thereupon the Arverni submitted to peace, and tranquillity was re-established in the land of the Celts.[1]

Province of Narbo.

The result of these military operations was the institution of a new Roman province between the maritime Alps and the Pyrenees. All the tribes between the Alps and the Rhone became dependent on the Romans and, so far as they did not pay tribute to Massilia, presumably became now tributary to Rome. In the country between the Rhone and the Pyrenees the Arverni retained freedom and were not bound to pay tribute to the Romans; but they had to cede to Rome the most southerly portion of their direct or indirect territory—the district to the south of the Cevennes as far as the Mediterranean, and the upper course of the Garonne as far as Tolosa (Toulouse). As the primary object of these occupations was the establishment of a land communication between Italy and Spain, arrangements were made immediately thereafter for the construction of the road along the coast. For this purpose a belt of coast from the Alps to the Rhone, from 1 to 1¾ of a mile in breadth, was handed over to the Massiliots, who already had a series of maritime stations along this coast, with the obligation of keeping the road in proper condition; while from the Rhone to the Pyrenees the Romans themselves laid out a military highway, which obtained from its originator Aheno-barbus the name of the *Via Domitia*.

Roman settlements in the region of the Rhone.

As usual, the formation of new fortresses was combined with the construction of roads. In the eastern portion the

[1] The battle at Vindalium is placed by the epitomator of Livy and by Orosius before that on the Isara; but the reverse order is supported by Florus and Strabo (iv. 191), and is confirmed partly by the circumstance that Maximus, according to the epitome of Livy and Pliny, *H. N.* vii. 50, conquered the Gauls when consul, partly and especially by the Capitoline Fasti, according to which Maximus not only triumphed before Aheno-barbus, but the former triumphed over the Allobroges and the king of the Arverni, the latter only over the Arverni. It is clear that the battle with the Allobroges and Arverni must have taken place earlier than that with the Arverni alone.

Romans chose the spot where Gaius Sextius had defeated the Celts, and where the pleasantness and fertility of the region as well as the numerous hot and cold springs invited them to settlement; a Roman township sprang up there —the "baths of Sextius," Aquae Sextiae (Aix). To the west of the Rhone the Romans settled in Narbo, an ancient Celtic town on the navigable river Atax (Aude) at a small distance from the sea, which is already mentioned by Hecataeus, and which even before its occupation by the Romans vied with Massilia as a place of stirring commerce, and as sharing the trade in British tin. Aquae did not obtain civic rights, but remained a standing camp;[1] whereas Narbo, although in like manner founded mainly as a watch and outpost against the Celts, became as "Mars' town," a Roman burgess-colony and the usual seat of the governor of the new Transalpine Celtic province or, as it was more frequently called, the province of Narbo.

The advance of the Romans checked by the policy of the restoration.

The Gracchan party, which suggested these extensions of territory beyond the Alps, evidently wished to open up there a new and immeasurable field for their plans of colonization,—a field which offered the same advantages as Sicily and Africa, and could be more easily wrested from the natives than the Sicilian and Libyan estates from the Italian capitalists. The fall of Gaius Gracchus, no doubt, made itself felt here also in the restriction of acquisitions of territory and still more of the founding of towns; but, if the design was not carried out in its full extent, it was at any rate not wholly frustrated. The territory acquired and, still more, the foundation of Narbo—a settlement for which the senate vainly endeavoured to prepare the fate of that at

[1] Aquae was not a colony, as Livy says (*Ep.* 61), but a *castellum* (Strabo, iv. 180; Velleius, i. 15; Madvig, *Opusc.* i. 303). The same holds true of Italica (p. 214), and of many other places—Vindonissa, for instance, never was in law anything else than a Celtic village, but was withal a fortified Roman camp, and a township of very considerable importance.

Carthage—remained standing as parts of an unfinished structure, exhorting the future successor of Gracchus to continue the building. It is evident that the Roman mercantile class, which was able to compete with Massilia in the Gallo-Britannic traffic at Narbo alone, protected that settlement from the assaults of the Optimates.

Illyria. A problem similar to that in the north-west had to be dealt with in the north-east of Italy; it was in like manner not wholly neglected, but was solved still more imperfectly than the former. With the foundation of Aquileia (571) 183. the Istrian peninsula came into possession of the Romans (ii. 372); in part of Epirus and the former territory of the lords of Scodra they had already ruled for some considerable time previously. But nowhere did their dominion reach Dalmatians. into the interior; and even on the coast they exercised scarcely a nominal sway over the inhospitable shore-belt between Istria and Epirus, which, with its wild series of mountain-caldrons broken neither by river-valleys nor by coast-plains and arranged like scales one above another, and with its chain of rocky islands stretching along the shore, separates more than it connects Italy and Greece. Around the town of Delminium (on the Cettina near Trigl) clustered the confederacy of the Delmatians or Dalmatians, whose manners were rough as their mountains. While the neighbouring peoples had already attained a high degree of culture, the Dalmatians were as yet unacquainted with money, and divided their land, without recognizing any special right of property in it, afresh every eight years among the members of the community. Brigandage and piracy were the only native trades. These tribes had in earlier times stood in a loose relation of dependence on the rulers of Scodra, and had so far shared in the chastisement inflicted by the Roman expeditions against queen Teuta (ii. 218) and Demetrius of Pharos (ii. 220); but on the accession of king Genthius they had revolted and had thus escaped

the fate which involved southern Illyria in the fall of the Macedonian empire and rendered it permanently dependent on Rome (ii. 510). The Romans were glad to leave the far from attractive region to itself. But the complaints of the Roman Illyrians, particularly of the Daorsi, who dwelt on the Narenta to the south of the Dalmatians, and of the inhabitants of the islands of Issa (Lissa), whose continental stations Tragyrium (Trau) and Epetium (near Spalato) suffered severely from the natives, compelled the Roman government to despatch an embassy to the latter, and on receiving the reply that the Dalmatians had neither troubled themselves hitherto about the Romans nor would do so in
156. future, to send thither an army in 598 under the consul Gaius Marcius Figulus. He penetrated into Dalmatia, but
Their subjugation. was again driven back as far as the Roman territory. It was not till his successor Publius Scipio Nasica took the large and
155. strong town of Delminium in 599, that the confederacy conformed and professed itself subject to the Romans. But the poor and only superficially subdued country was not sufficiently important to be erected into a distinct province: the Romans contented themselves, as they had already done in the case of the more important possessions in Epirus, with having it administered from Italy along with Cisalpine Gaul; an arrangement which was, at least as a rule, retained even when the province of Macedonia had
146. been erected in 608 and its north-western frontier had been fixed to the northward of Scodra.[1]

The Romans in Macedonia and Thrace. But this very conversion of Macedonia into a province directly dependent on Rome gave to the relations of Rome with the peoples on the north-east greater importance, by imposing on the Romans the obligation of defending the everywhere exposed frontier on the north and east against

[1] P. 262. The Pirustae in the valleys of the Drin belonged to the province of Macedonia, but made forays into the neighbouring Illyricum (Caesar, *B. G.* v. 1).

the adjacent barbarian tribes; and in a similar way not long afterwards (621) the acquisition by Rome of the Thracian Chersonese (peninsula of Gallipoli) previously belonging to the kingdom of the Attalids devolved on the Romans the obligation hitherto resting on the kings of Pergamus to protect the Hellenes here against the Thracians. From the double basis furnished by the valley of the Po and the province of Macedonia the Romans could now advance in earnest towards the region of the headwaters of the Rhine and towards the Danube, and possess themselves of the northern mountains at least so far as was requisite for the security of the lands to the south. 133.

The tribes at the sources of the Rhine and along the Danube.

In these regions the most powerful nation at that time was the great Celtic people, which according to the native tradition (i. 423) had issued from its settlements on the Western Ocean and poured itself about the same time into the valley of the Po on the south of the main chain of the Alps and into the regions on the Upper Rhine and on the Danube to the north of that chain. Among their various tribes, both banks of the Upper Rhine were occupied by the powerful and rich Helvetii, who nowhere came into immediate contact with the Romans and so lived in peace and in treaty with them: at this time they seem to have stretched from the lake of Geneva to the river Main, and to have occupied the modern Switzerland, Suabia, and Franconia. Adjacent to them dwelt the Boii, whose settlements were probably in the modern Bavaria and Bohemia.[1] To

Helvetii.

Boii.

[1] "The Helvetii dwelt," Tacitus says (*Germ.* 28), "between the Hercynian Forest (*i.e.* here probably the Rauhe Alp), the Rhine, and the Main; the Boii farther on." Posidonius also (*ap.* Strab. vii. 293) states that the Boii, at the time when they repulsed the Cimbri, inhabited the Hercynian Forest, *i.e.* the mountains from the Rauhe Alp to the Böhmerwald. The circumstance that Caesar transplants them "beyond the Rhine" (*B. G.* i. 5) is by no means inconsistent with this, for, as he there speaks from the Helvetian point of view, he may very well mean the country to the north-east of the lake of Constance; which quite accords with the fact, that Strabo (vii. 292) describes the former Boian country as bordering on the lake of Constance, except that he is not quite accurate in naming along with them the Vindelici as dwelling by the lake of Con-

the south-east of these we meet with another Celtic stock, which made its appearance in Styria and Carinthia under the name of the Taurisci and afterwards of the Norici, in Friuli, Carniola, and Istria under that of the Carni. Their city Noreia (not far from St. Veit to the north of Klagenfurt) was flourishing and widely known from the iron mines that were even at that time zealously worked in those regions; still more were the Italians at this very period allured thither by the rich seams of gold brought to light, till the natives excluded them and took this California of that day wholly into their own hands. These Celtic hordes streaming along on both sides of the Alps had after their fashion occupied chiefly the flat and hill country; the Alpine regions proper and likewise the districts along the Adige and the Lower Po were not occupied by them, and remained in the hands of the earlier indigenous population. Nothing certain has yet been ascertained as to the nationality of the latter; but they appear under the name of the Raeti in the mountains of East Switzerland and the Tyrol, and under that of the Euganei and Veneti about Padua and Venice; so that at this last point the two great Celtic streams almost touched each other, and only a narrow belt of native population separated the Celtic Cenomani about Brescia from the Celtic Carnians in Friuli. The Euganei and Veneti had long been peaceful subjects of the Romans; whereas the peoples of the Alps proper were not only still free, but made regular forays down from their mountains into the plain between the Alps and the Po, where they

Taurisci. Carni. Raeti, Euganei, Veneti.

stance, for the latter only established themselves there after the Boii had evacuated these districts. From these seats of theirs the Boii were dispossessed by the Marcomani and other Germanic tribes even before the
100. time of Posidonius, consequently before 650; detached portions of them in Caesar's time roamed about in Carinthia (*B. G.* i. 5), and came thence to the Helvetii and into western Gaul; another swarm found new settlements on the Plattensee, where it was annihilated by the Getae; but the district—the "Boian desert," as it was called—preserved the name of this the most harassed of all the Celtic peoples (comp. ii. 373, *note*).

were not content with levying contributions, but conducted themselves with fearful cruelty in the townships which they captured, not unfrequently slaughtering the whole male population down to the infant in the cradle—the practical answer, it may be presumed, to the Roman razzias in the Alpine valleys. How dangerous these Raetian inroads were, appears from the fact that one of them about 660 94. destroyed the considerable township of Comum.

If these Celtic and non-Celtic tribes having their settlements upon and beyond the Alpine chain were already variously intermingled, there was, as may easily be conceived, a still more comprehensive intermixture of peoples in the countries on the Lower Danube, where there were no high mountain ranges, as in the more western regions, to serve as natural walls of partition. The original Illyrian population, of which the modern Albanians seem to be the last pure survivors, was throughout, at least in the interior, largely mixed with Celtic elements, and the Celtic armour and Celtic method of warfare were probably everywhere introduced in that quarter. Next to the Taurisci came the Japydes, who had their settlements on the Julian Alps in the modern Croatia as far down as Fiume and Zeng,—a tribe originally doubtless Illyrian, but largely mixed with Celts. Bordering with these along the coast were the already-mentioned Dalmatians, into whose rugged mountains the Celts do not seem to have penetrated; whereas in the interior the Celtic Scordisci, to whom the tribe of the Triballi formerly especially powerful in that quarter had succumbed, and who had played a principal part in the Celtic expeditions to Delphi, were about this time the leading nation along the Lower Save as far as the Morava in the modern Bosnia and Servia. They roamed far and wide towards Moesia, Thrace, and Macedonia, and fearful tales were told of their savage valour and cruel customs. Their chief place of arms was the strong Segestica or Siscia

Illyrian peoples.

Japydes.

Scordisci.

at the point where the Kulpa falls into the Save. The peoples who were at that time settled in Hungary, Transylvania, Roumania, and Bulgaria still remained for the present beyond the horizon of the Romans; the latter came into contact only with the Thracians on the eastern frontier of Macedonia in the Rhodope mountains.

Conflicts on the frontier,

It would have been no easy task for a government more energetic than was the Roman government of that day to establish an organized and adequate defence of the frontier against these wide domains of barbarism; what was done for this important object under the auspices of the government of the restoration, did not come up to even the most moderate requirements. There seems to have been no

in the Alps,

want of expeditions against the inhabitants of the Alps: in

118.

636 there was a triumph over the Stoeni, who were probably

95.

settled in the mountains above Verona; in 659 the consul Lucius Crassus caused the Alpine valleys far and wide to be ransacked and the inhabitants to be put to death, and yet he did not succeed in killing enough of them to enable him to celebrate a village triumph and to couple the laurels of the victor with his oratorical fame. But as the Romans remained satisfied with razzias of this sort which merely exasperated the natives without rendering them harmless, and, apparently, withdrew the troops again after every such inroad, the state of matters in the region beyond the Po remained substantially the same as before.

in Thrace,

On the opposite Thracian frontier they appear to have given themselves little concern about their neighbours;

103.

except that there is mention made in 651 of conflicts with

97.

the Thracians, and in 657 of others with the Maedi in the border mountains between Macedonia and Thrace.

In Illyria.

More serious conflicts took place in the Illyrian land, where complaints were constantly made as to the turbulent Dalmatians by their neighbours and those who navigated the Adriatic; and along the wholly exposed northern frontier

of Macedonia, which, according to the significant expression of a Roman, extended as far as the Roman swords and spears reached, the conflicts with the barbarians never ceased. In 619 an expedition was undertaken against the Ardyaei 135.
or Vardaei and the Pleraei or Paralii, a Dalmatian tribe on the coast to the north of the mouth of the Narenta, which was incessantly perpetrating outrages on the sea and on the opposite coast: by order of the Romans they removed from the coast and settled in the interior, the modern Herzegovina, where they began to cultivate the soil, but, unused to their new calling, pined away in that inclement region. At the same time an attack was directed from Macedonia against the Scordisci, who had, it may be presumed, made common cause with the assailed inhabitants of the coast. Soon afterwards (625) the consul Tuditanus in connection with 129.
the able Decimus Brutus, the conqueror of the Spanish Callaeci, humbled the Japydes, and, after sustaining a defeat at the outset, at length carried the Roman arms into the heart of Dalmatia as far as the river Kerka, 115 miles distant from Aquileia; the Japydes thenceforth appear as a nation at peace and on friendly terms with Rome. But ten years later (635) the Dalmatians rose afresh, once 119.
more in concert with the Scordisci. While the consul Lucius Cotta fought against the latter and in doing so advanced apparently as far as Segestica, his colleague Lucius Metellus afterwards named Dalmaticus, the elder brother of the conqueror of Numidia, marched against the Dalmatians, conquered them and passed the winter in Salona (Spalato), which town henceforth appears as the chief stronghold of the Romans in that region. It is not improbable that the construction of the Via Gabinia, which led from Salona in an easterly direction to Andetrium (near Much) and thence farther into the interior, falls within this period.

The expedition of the consul of 639, Marcus Aemilius 115.

The Romans cross the eastern Alps,

Scaurus, against the Taurisci[1] presented more the character of a war of conquest. He was the first of the Romans to cross the chain of the eastern Alps where it falls lowest between Trieste and Laybach, and contracted hospitable relations with the Taurisci; which secured a not unimportant commercial intercourse without involving the Romans, as a formal subjugation would have involved them, in the movements of the peoples to the north of the Alps. Of the conflicts with the Scordisci, which have passed almost wholly into oblivion, a page, which speaks clearly even in its isolation, has recently been brought to
118. light through a memorial stone from the year 636 lately discovered in the neighbourhood of Thessalonica. According to it, in this year the governor of Macedonia Sextus Pompeius fell near Argos (not far from Stobi on the upper Axius or Vardar) in a battle fought with these Celts; and, after his quaestor Marcus Annius had come up with his troops and in some measure mastered the enemy, these same Celts in connection with Tipas the king of the Maedi (on the upper Strymon) soon made a fresh irruption in still larger masses, and it was with difficulty that the Romans defended themselves against the onset of the barbarians.[2] Things soon assumed so threatening a shape that it became necessary to despatch consular armies to
114. Macedonia.[3] A few years afterwards the consul of 640

[1] They are called in the Triumphal Fasti *Galli Karni*; and in Victor *Ligures Taurisci* (for such should be the reading instead of the received *Ligures et Caurisci*).

[2] The quaestor of Macedonia M. Annius P. f., to whom the town of Lete (Aivati four leagues to the north-west of Thessalonica) erected in the
118. year 29 of the province and 636 of the city this memorial stone (Dittenberger, *Syll.* 247), is not otherwise known; the praetor Sex. Pompeius whose fall is mentioned in it can be no other than the grandfather of the Pompeius with whom Caesar fought and the brother-in-law of the poet Lucilius. The enemy are designated as Γαλατῶν ἔθνος. It is brought into prominence that Annius in order to spare the provincials omitted to call out their contingents and repelled the barbarians with the Roman troops alone. To all appearance Macedonia even at that time required a *de facto* standing Roman garrison.

116. [3] If Quintus Fabius Maximus Eburnus consul in 638 went to Mace-

Gaius Porcius Cato was surprised in the Servian mountains by the same Scordisci, and his army completely destroyed, while he himself with a few attendants disgracefully fled; with difficulty the praetor Marcus Didius protected the Roman frontier. His successors fought with better fortune, Gaius Metellus Caprarius (641–642), Marcus Livius Drusus (642–643), the first Roman general to reach the Danube, and Quintus Minucius Rufus (644–647) who carried his arms along the Morava[1] and thoroughly defeated the Scordisci. Nevertheless they soon afterwards in league with the Maedi and the Dardani invaded the Roman territory and plundered even the sanctuary at Delphi; it was not till then that Lucius Scipio put an end to the thirty-two years' warfare with the Scordisci and drove the remnant over to the left bank of the Danube.[2] Thenceforth in their stead the just-named Dardani (in Servia) begin to play the first part in the territory between the northern frontier of Macedonia and the Danube.

and reach the Danube. 113-112. 112-111. 110-107.

donia (*C. I. Gr.* 1534; Zumpt, *Comm. Epigr.* ii. 167), he too must have suffered a misfortune there, since Cicero, *In Pison.* 16, 38, says: *ex (Macedonia) aliquot praetorio imperio, consulari quidem nemo rediit, qui incolumis fuerit, quin triumpharit;* for the triumphal list, which is complete for this epoch, knows only the three Macedonian triumphs of Metellus in 643, of Drusus in 644, and of Minucius in 648. 111. 110.

[1] As, according to Frontinus (ii. 43), Velleius and Eutropius, the tribe conquered by Minucius was the Scordisci, it can only be through an error on the part of Florus that he mentions the Hebrus (the Maritza) instead of the Margus (Morava). 106.

[2] This annihilation of the Scordisci, while the Maedi and Dardani were admitted to treaty, is reported by Appian (*Illyr.* 5), and in fact thenceforth the Scordisci disappear from this region. If the final subjugation took place in the 32nd year ἀπὸ τῆς πρώτης ἐς Κελτοὺς πείρας, it would seem that this must be understood of a thirty-two years' war between the Romans and the Scordisci, the commencement of which presumably falls not long after the constituting of the province of Macedonia (608) and of which the incidents in arms above recorded, 636–647, are a part. It is obvious from Appian's narrative that the conquest ensued shortly before the outbreak of the Italian civil wars, and so probably at the latest in 663. It falls between 650 and 656, if a triumph followed it, for the triumphal list before and after is complete; it is possible however that for some reason there was no triumph. The victor is not further known; perhaps it was no other than the consul of the year 671; since the latter may well have been late in attaining the consulate in consequence of the Cinnan-Marian troubles. 146. 118-107. 91. 88.

The Cimbri.

But these victories had an effect which the victors did not anticipate. For a considerable period an "unsettled people" had been wandering along the northern verge of the country occupied by the Celts on both sides of the Danube. They called themselves the Cimbri, that is, the Chempho, the champions or, as their enemies translated it, the robbers; a designation, however, which to all appearance had become the name of the people even before their migration. They came from the north, and the first Celtic people with whom they came in contact were, so far as is known, the Boii, probably in Bohemia. More exact details as to the cause and the direction of their migration have not been recorded by contemporaries,[1] and cannot be supplied by conjecture, since the state of things in those times to the north of Bohemia and the Main and to the east of the Lower Rhine lies wholly beyond our knowledge. But the hypothesis that the Cimbri, as well as the similar horde of the Teutones which afterwards joined them, belonged essentially not to the Celtic nation, to which the Romans at first assigned them, but to the Germanic, is supported by the most definite facts: viz., by the appearance of two small tribes of the same name—remnants apparently left behind in their primitive seats—the Cimbri in the modern Denmark, the Teutones in the north-east of Germany in the neighbourhood of the Baltic, where Pytheas, a contemporary of Alexander the Great, makes mention of them thus early in connection with the amber trade; by the insertion of the Cimbri and Teutones in the list of the Germanic peoples among the Ingaevones alongside of the Chauci; by the judgment of Caesar, who first made the Romans acquainted with the distinction between

[1] The account that large tracts on the coasts of the North Sea had been torn away by inundations, and that this had occasioned the migration of the Cimbri in a body (Strabo, vii. 293), does not indeed appear to us fabulous, as it seemed to those who recorded it; but whether it was based on tradition or on conjecture, cannot be decided.

the Germans and the Celts, and who includes the Cimbri, many of whom he must himself have seen, among the Germans; and lastly, by the very names of the peoples and the statements as to their physical appearance and habits in other respects, which, while applying to the men of the north generally, are especially applicable to the Germans. On the other hand it is conceivable enough that such a horde, after having been engaged in wandering perhaps for many years and having in its movements near to or within the land of the Celts doubtless welcomed every brother-in-arms who joined it, would include a certain amount of Celtic elements; so that it is not surprising that men of Celtic name should be at the head of the Cimbri, or that the Romans should employ spies speaking the Celtic tongue to gain information among them. It was a marvellous movement, the like of which the Romans had not yet seen; not a predatory expedition of men equipped for the purpose, nor a "*ver sacrum*" of young men migrating to a foreign land, but a migratory people that had set out with their women and children, with their goods and chattels, to seek a new home. The waggon, which had everywhere among the still not fully settled peoples of the north a different importance from what it had among the Hellenes and the Italians, and which universally accompanied the Celts also in their encampments, was among the Cimbri as it were their house, where, beneath the leather covering stretched over it, a place was found for the wife and children and even for the house-dog as well as for the furniture. The men of the south beheld with astonishment those tall lank figures with the fair locks and bright-blue eyes, the hardy and stately women who were little inferior in size and strength to the men, and the children with old men's hair, as the amazed Italians called the flaxen-haired youths of the north. Their system of warfare was substantially that of the Celts of this period, who no

longer fought, as the Italian Celts had formerly done, bare-headed and with merely sword and dagger, but with copper helmets often richly adorned and with a peculiar missile weapon, the *materis;* the large sword was retained and the long narrow shield, along with which they probably wore also a coat of mail. They were not destitute of cavalry; but the Romans were superior to them in that arm. Their order of battle was as formerly a rude phalanx professedly drawn up with just as many ranks in depth as in breadth, the first rank of which in dangerous combats not unfrequently tied together their metallic girdles with cords. Their manners were rude. Flesh was frequently devoured raw. The bravest and, if possible, the tallest man was king of the host. Not unfrequently, after the manner of the Celts and of barbarians generally, the time and place of the combat were previously arranged with the enemy, and sometimes also, before the battle began, an individual opponent was challenged to single combat. The conflict was ushered in by their insulting the enemy with unseemly gestures, and by a horrible noise—the men raising their battle-shout, and the women and children increasing the din by drumming on the leathern covers of the waggons. The Cimbrian fought bravely—death on the bed of honour was deemed by him the only death worthy of a free man—but after the victory he indemnified himself by the most savage brutality, and sometimes promised beforehand to present to the gods of battle whatever victory should place in the power of the victor. The effects of the enemy were broken in pieces, the horses were killed, the prisoners were hanged or preserved only to be sacrificed to the gods. It was the priestesses—grey-haired women in white linen dresses and unshod—who, like Iphigenia in Scythia, offered these sacrifices, and prophesied the future from the streaming blood of the prisoner of war or the criminal who formed the victim. How much in these customs was the universal

usage of the northern barbarians, how much was borrowed from the Celts, and how much was peculiar to the Germans, cannot be ascertained; but the practice of having the army accompanied and directed not by priests, but by priestesses, may be pronounced an undoubtedly Germanic custom. Thus marched the Cimbri into the unknown land—an immense multitude of various origin which had congregated round a nucleus of Germanic emigrants from the Baltic—not without resemblance to the great bodies of emigrants, that in our own times cross the ocean similarly burdened and similarly mingled, and with aims not much less vague; carrying their lumbering waggon-castle, with the dexterity which a long migratory life imparts, over streams and mountains; dangerous to more civilized nations like the sea-wave and the hurricane, and like these capricious and unaccountable, now rapidly advancing, now suddenly pausing, turning aside, or receding. They came and struck like lightning; like lightning they vanished; and unhappily, in the dull age in which they appeared, there was no observer who deemed it worth while accurately to describe the marvellous meteor. When men afterwards began to trace the chain, of which this emigration, the first Germanic movement which touched the orbit of ancient civilization, was a link, the direct and living knowledge of it had long passed away.

Cimbrian movements and conflicts.

This homeless people of the Cimbri, which hitherto had been prevented from advancing to the south by the Celts on the Danube, more especially by the Boii, broke through that barrier in consequence of the attacks directed by the Romans against the Danubian Celts; either bec se the latter invoked the aid of their Cimbrian antagonists against the advancing legions, or because the Roman attack prevented them from protecting as hitherto their northern frontiers. Advancing through the territory of the Scordisci into the Tauriscan country, they approached in 641 the

Defeat of Carbo, 113.

passes of the Carnian Alps, to protect which the consul Gnaeus Papirius Carbo took up a position on the heights not far from Aquileia. Here, seventy years before, Celtic tribes had attempted to settle on the south of the Alps, but at the bidding of the Romans had evacuated without resistance the ground which they had already occupied (ii. 371); even now the dread of the Transalpine peoples at the Roman name showed itself strongly. The Cimbri did not attack; indeed, when Carbo ordered them to evacuate the territory of the Taurisci who were in relations of hospitality with Rome—an order which the treaty with the latter by no means bound him to make—they complied and followed the guides whom Carbo had assigned to them to escort them over the frontier. But these guides were in fact instructed to lure the Cimbri into an ambush, where the consul awaited them. Accordingly an engagement took place not far from Noreia in the modern Carinthia, in which the betrayed gained the victory over the betrayer and inflicted on him considerable loss; a storm, which separated the combatants, alone prevented the complete annihilation of the Roman army. The Cimbri might have immediately directed their attack towards Italy; they preferred to turn to the westward. By treaty with the Helvetii and the Sequani rather than by force of arms they made their way to the left bank of the Rhine and over the Jura, and there some years after the defeat of Carbo once more threatened the Roman territory by their immediate vicinity.

Defeat of Silanus, 109.

With a view to cover the frontier of the Rhine and the immediately threatened territory of the Allobroges, a Roman army under Marcus Junius Silanus appeared in 645 in Southern Gaul. The Cimbri requested that land might be assigned to them where they might peacefully settle—a request which certainly could not be granted. The consul instead of replying attacked them; he was utterly defeated and the Roman camp was taken. The new levies

which were occasioned by this misfortune were already attended with so much difficulty, that the senate procured the abolition of the laws—presumably proceeding from Gaius Gracchus—which limited the obligation to military service in point of time (p. 347). But the Cimbri, instead of following up their victory over the Romans, sent to the senate at Rome to repeat their request for the assignment of land, and meanwhile employed themselves, apparently, in the subjugation of the surrounding Celtic cantons.

Inroad of the Helvetii into southern Gaul.

Thus the Roman province and the new Roman army were left for the moment undisturbed by the Germans; but a new enemy arose in Gaul itself. The Helvetii, who had suffered much in the constant conflicts with their north-eastern neighbours, felt themselves stimulated by the example of the Cimbri to seek in their turn for more quiet and fertile settlements in western Gaul, and had perhaps, even when the Cimbrian hosts marched through their land, formed an alliance with them for that purpose. Now under the leadership of Divico the forces of the Tougeni (position unknown) and of the Tigorini (on the lake of Murten) crossed the Jura,[1] and reached the territory of the Nitiobroges (about Agen on the Garonne). The Roman army under the consul Lucius Cassius Longinus, which they here encountered, allowed itself to be decoyed by the Helvetii into an ambush, in which the general himself and his legate, the consular Lucius Piso, along with the greater portion of the soldiers met their death; Gaius Popillius, the interim commander-in-chief of the force which had escaped to the camp, was allowed to withdraw under the yoke on condition of surrendering half the property which the

Defeat of Longinus.

[1] The usual hypothesis, that the Tougeni and Tigorini had advanced at the same time with the Cimbri into Gaul, cannot be supported by Strabo (vii. 293), and is little in harmony with the separate part acted by the Helvetii. Our traditional accounts of this war are, besides, so fragmentary that, just as in the case of the Samnite wars, a connected historical narration can only lay claim to approximate accuracy.

107. troops carried with them and furnishing hostages (647). So perilous was the state of things for the Romans, that one of the most important towns in their own province, Tolosa, rose against them and placed the Roman garrison in chains.

But, as the Cimbri continued to employ themselves elsewhere, and the Helvetii did not further molest for the moment the Roman province, the new Roman commander-in-chief, Quintus Servilius Caepio, had full time to recover possession of the town of Tolosa by treachery and to empty at leisure the immense treasures accumulated in the old and famous sanctuary of the Celtic Apollo. It was a desirable gain for the embarrassed exchequer, but unfortunately the gold and silver vessels on the way from Tolosa to Massilia were taken from the weak escort by a band of robbers, and totally disappeared: the consul himself and his staff were, it was alleged, the instigators of this onset
106. (648). Meanwhile they confined themselves to the strictest defensive as regarded the chief enemy, and guarded the Roman province with three strong armies, till it should please the Cimbri to repeat their attack.

105. Defeat of Arausio.

They came in 649 under their king Boiorix, on this occasion seriously meditating an inroad into Italy. They were opposed on the right bank of the Rhone by the proconsul Caepio, on the left by the consul Gnaeus Mallius Maximus and by his legate, the consular Marcus Aurelius Scaurus, under him at the head of a detached corps. The first onset fell on the latter; he was totally defeated and brought in person as a prisoner to the enemy's head-quarters, where the Cimbrian king, indignant at the proud warning given to him by the captive Roman not to venture with his army into Italy, put him to death. Maximus thereupon ordered his colleague to bring his army over the Rhone: the latter complying with reluctance at length appeared at Arausio (Orange) on the left bank of the river, where the

whole Roman force now stood confronting the Cimbrian army, and is alleged to have made such an impression by its considerable numbers that the Cimbri began to negotiate. But the two leaders lived in the most vehement discord. Maximus, an insignificant and incapable man, was as consul the legal superior of his prouder and better born, but not better qualified, proconsular colleague Caepio; but the latter refused to occupy a common camp and to devise operations in concert with him, and still, as formerly, maintained his independent command. In vain deputies from the Roman senate endeavoured to effect a reconciliation; a personal conference between the generals, on which the officers insisted, only widened the breach. When Caepio saw Maximus negotiating with the envoys of the Cimbri, he fancied that the latter wished to gain the sole credit of their subjugation, and threw himself with his portion of the army alone in all haste on the enemy. He was utterly annihilated, so that even his camp fell into the hands of the enemy (6 Oct. 649); and his destruction was followed by 105.
the no less complete defeat of the second Roman army. It is asserted that 80,000 Roman soldiers and half as many of the immense and helpless body of camp-followers perished, and that only ten men escaped: this much is certain, that only a few out of the two armies succeeded in escaping, for the Romans had fought with the river in their rear. It was a calamity which materially and morally far surpassed the day of Cannae. The defeats of Carbo, of Silanus, and of Longinus had passed without producing any permanent impression on the Italians. They were accustomed to open every war with disasters; the invincibleness of the Roman arms was so firmly established, that it seemed superfluous to attend to the pretty numerous exceptions. Bnt the battle of Arausio, the alarming proximity of the victorious Cimbrian army to the undefended passes of the Alps, the insurrections breaking out afresh

and with increased force both in the Roman territory beyond the Alps and among the Lusitanians, the defenceless condition of Italy, produced a sudden and fearful awakening from these dreams. Men recalled the never wholly forgotten Celtic inroads of the fourth century, the day on the Allia and the burning of Rome: with the double force at once of the oldest remembrance and of the freshest alarm the terror of the Gauls came upon Italy; through all the west people seemed to be aware that the Roman empire was beginning to totter. As after the battle of Cannae, the period of mourning was shortened by decree of the senate.[1] The new enlistments brought out the most painful scarcity of men. All Italians capable of bearing arms had to swear that they would not leave Italy; the captains of the vessels lying in the Italian ports were instructed not to take on board any man fit for service. It is impossible to tell what might have happened, had the Cimbri immediately after their double victory advanced through the gates of the Alps into Italy. But they first overran the territory of the Arverni, who with difficulty defended themselves in their fortresses against the enemy; and soon, weary of sieges, set out from thence, not to Italy, but westward to the Pyrenees.

The Roman opposition.

If the torpid organism of the Roman polity could still of itself reach a crisis of wholesome reaction, that reaction could not but set in now, when, by one of the marvellous pieces of good fortune, in which the history of Rome is so rich, the danger was sufficiently imminent to rouse all the energy and all the patriotism of the burgesses, and yet did not burst upon them so suddenly as to leave no space for the development of their resources. But the very same phenomena, which had occurred four years previously after the African defeats, presented themselves afresh. In fact the African and Gallic disasters were essentially of the same

[1] To this, beyond doubt, the fragment of Diodorus (*Vat.* p. 122) relates.

kind. It may be that primarily the blame of the former fell more on the oligarchy as a whole, that of the latter more on individual magistrates; but public opinion justly recognized in both, above all things, the bankruptcy of the government, which in its progressive development imperilled first the honour and now the very existence of the state. People just as little deceived themselves then as now regarding the true seat of the evil, but as little now as then did they make even an attempt to apply the remedy at the proper point. They saw well that the system was to blame; but on this occasion also they adhered to the method of calling individuals to account—only no doubt this second storm discharged itself on the heads of the oligarchy so much the more heavily, as the calamity of 649 exceeded in extent and peril that of 645. The sure instinctive feeling of the public, that there was no resource against the oligarchy except the *tyrannis*, was once more apparent in their readily entering into every attempt by officers of note to force the hand of the government and, under one form or another, to overturn the oligarchic rule by a dictatorship.

Warfare of prosecutions.

105. 109.

It was against Quintus Caepio that their attacks were first directed; and justly, in so far as he had primarily occasioned the defeat of Arausio by his insubordination, even apart from the probably well-founded but not proved charge of embezzling the Tolosan booty; but the fury which the opposition displayed against him was essentially augmented by the fact, that he had as consul ventured on an attempt to wrest the posts of jurymen from the capitalists (p. 376). On his account the old venerable principle, that the sacredness of the magistracy should be respected even in the person of its worst occupant, was violated; and, while the censure due to the author of the calamitous day of Cannae had been silently repressed within the breast, the author of the defeat of Arausio was by decree of the people

unconstitutionally deprived of his proconsulship, and—what had not occurred since the crisis in which the monarchy had perished—his property was confiscated to the state-
105. chest (649?). Not long afterwards he was by a second
104. decree of the burgesses expelled from the senate (650). But this was not enough; more victims were desired, and above all Caepio's blood. A number of tribunes of the people favourable to the opposition, with Lucius Appuleius Saturninus and Gaius Norbanus at their head, proposed in
103. 651 to appoint an extraordinary judicial commission in reference to the embezzlement and treason perpetrated in Gaul; in spite of the *de facto* abolition of arrest during investigation and of the punishment of death for political offences, Caepio was arrested and the intention of pronouncing and executing in his case sentence of death was openly expressed. The government party attempted to get rid of the proposal by tribunician intervention; but the interceding tribunes were violently driven from the assembly, and in the furious tumult the first men of the senate were assailed with stones. The investigation could not be prevented, and the warfare of prosecutions pursued its
103. course in 651 as it had done six years before; Caepio himself, his colleague in the supreme command Gnaeus Mallius Maximus, and numerous other men of note were condemned: a tribune of the people, who was a friend of Caepio, with difficulty succeeded by the sacrifice of his own civic existence in saving at least the life of the chief persons accused.[1]

[1] The deposition from office of the proconsul Caepio, with which was combined the confiscation of his property (Liv. *Ep.* 67), was probably pronounced by the assembly of the people immediately after the battle of
105. Arausio (6th October 649). That some time elapsed between the deposition and his proper downfall, is clearly shown by the proposal made
104. in 650, and aimed at Caepio, that deposition from office should involve the forfeiture of a seat in the senate (Asconius *in Cornel.* p. 78). The fragments of Licinianus (p. 10; *Cn. Manilius ob eandem causam quam et Caepio L. Saturnini rogatione e civitate est cito* [?] *eiectus;* which clears up the allusion in Cic. *de Or.* ii. 28, 125) now inform us that a law

Of more importance than this measure of revenge was the question how the dangerous war beyond the Alps was to be further carried on, and first of all to whom the supreme command in it was to be committed. With an unprejudiced treatment of the matter it was not difficult to make a fitting choice. Rome was doubtless, in comparison with earlier times, not rich in military notabilities; yet Quintus Maximus had commanded with distinction in Gaul, Marcus Aemilius Scaurus and Quintus Minucius in the regions of the Danube, Quintus Metellus, Publius Rutilius Rufus, Gaius Marius in Africa; and the object proposed was not to defeat a Pyrrhus or a Hannibal, but again to make good the often-tried superiority of Roman arms and Roman tactics in opposition to the barbarians of the north —an object which required no genius, but merely a stern and capable soldier. But it was precisely a time when nothing was so difficult as the unprejudiced settlement of a question of administration. The government was, as it

Marius commander-in-chief.

proposed by Lucius Appuleius Saturninus brought about this catastrophe. This is evidently no other than the Appuleian law as to the *minuta maiestas* of the Roman state (Cic. *de Or.* ii. 25, 107; 49, 201), or, as its tenor was already formerly explained (ii. p. 143 of the first edition [of the German]), the proposal of Saturninus for the appointment of an extraordinary commission to investigate the treasons that had taken place during the Cimbrian troubles. The commission of inquiry as to the gold of Tolosa (Cic. *de N. D.* iii. 30, 74) arose in quite a similar way out of the Appuleian law, as the special courts of inquiry—further mentioned in that passage—as to a scandalous bribery of judges out of the Mucian law of 613, as to the occurrences with the Vestals out of the Peducaean law of 641, and as to the Jugurthine war out of the Mamilian law of 644. A comparison of these cases also shows that in such special commissions—different in this respect from the ordinary ones—even punishments affecting life and limb might be and were inflicted. If elsewhere the tribune of the people, Gaius Norbanus, is named as the person who set agoing the proceedings against Caepio and was afterwards brought to trial for doing so (Cic. *de Or.* ii. 40, 167; 48, 199; 49, 200; *Or. Part.* 30, 105, *et al.*), this is not inconsistent with the view given above; for the proposal proceeded as usual from several tribunes of the people (*ad Herenn.* i. 14, 24; Cic. *de Or.* ii. 47, 197), and, as Saturninus was already dead when the aristocratic party was in a position to think of retaliation, they fastened on his colleague. As to the period of this second and final condemnation of Caepio, the usual very inconsiderate hypothesis, which places it in 659, ten years after the battle of Arausio, has been already rejected. It rests simply on the fact that Crassus when

141. 113. 110. 95.

could not but be and as the Jugurthine war had already shown, so utterly bankrupt in public opinion, that its ablest generals had to retire in the full career of victory, whenever it occurred to an officer of mark to revile them before the people and to get himself as the candidate of the opposition appointed by the latter to the head of affairs. It was no wonder that what took place after the victories of Metellus was repeated on a greater scale after the defeats of Gnaeus Mallius and Quintus Caepio. Once more Gaius Marius came forward, in spite of the law which prohibited the holding of the consulship more than once, as a candidate for the supreme magistracy; and not only was he nominated as consul and charged with the chief command in the Gallic war, while he was still in Africa at the head of the army there, but he was reinvested with the consulship for five
104-100. years in succession (650–654)—in a way, which looked like an intentional mockery of the exclusive spirit that the

95. consul, consequently in 659, spoke in favour of Caepio (Cic. *Brut.* 44, 162); which, however, he manifestly did not as his advocate, but on the occasion when Norbanus was brought to account by Publius Sulpicius
95. 104. Rufus for his conduct toward Caepio in 659. Formerly the year 650 was assumed for this second accusation; now that we know that it originated
103. from a proposal of Saturninus, we can only hesitate between 651, when he was tribune of the people for the first time (Plutarch, *Mar.* 14; Oros.
100. v. 17; App. i. 28; Diodor. p. 608, 631), and 654, when he held that office a second time. There are not materials for deciding the point with entire certainty, but the great preponderance of probability is in favour of the former year; partly because it was nearer to the disastrous events in Gaul, partly because in the tolerably full accounts of the second tribunate of Saturninus there is no mention of Quintus Caepio the father and the acts of violence directed against him. The circumstance, that the sums paid back to the treasury in consequence of the verdicts as to the embezzlement of the Tolosan booty were claimed by Saturninus in his second tribunate for his schemes of colonization (*De Viris Ill.* 73, 5, and thereon Orelli, *Ind. Legg.* p. 137), is not in itself decisive, and may, moreover, have been easily transferred by mistake from the first African to the second general agrarian law of Saturninus.

The fact that afterwards, when Norbanus was impeached, his impeachment proceeded on the very ground of the law which he had taken part in suggesting, was an ironical incident common in the Roman political procedure of this period (Cic. *Brut.* 89, 305) and should not mislead us into the belief that the Appuleian law was, like the later Cornelian, a general law of high treason.

nobility had exhibited in reference to this very man in all its folly and shortsightedness, but was also unparalleled in the annals of the republic, and in fact absolutely incompatible with the spirit of the free constitution of Rome. In the Roman military system in particular—the transformation of which from a burgess-militia into a body of mercenaries, begun in the African war, was continued and completed by Marius during his five years of a supreme command unlimited through the exigencies of the time still more than through the terms of his appointment—the profound traces of this unconstitutional commandership-in-chief of the first democratic general remained visible for all time.

Roman defensive. 104.

The new commander-in-chief, Gaius Marius, appeared in 650 beyond the Alps, followed by a number of experienced officers—among whom the bold captor of Jugurtha, Lucius Sulla, soon acquired fresh distinction—and by a numerous host of Italian and allied soldiers. At first he did not find the enemy against whom he was sent. The singular people, who had conquered at Arausio, had in the meantime (as we have already mentioned), after plundering the country to the west of the Rhone, crossed the Pyrenees and were carrying on a desultory warfare in Spain with the brave inhabitants of the northern coast and of the interior; it seemed as if the Germans wished at their very first appearance in the field of history to display their lack of persistent grasp. So Marius found ample time on the one hand to reduce the revolted Tectosages to obedience, to confirm afresh the wavering fidelity of the subject Gallic and Ligurian cantons, and to obtain support and contingents within and without the Roman province from the allies who were equally with the Romans placed in peril by the Cimbri, such as the Massiliots, the Allobroges, and the Sequani; and on the other hand, to discipline the army entrusted to him by strict training and impartial justice towards all whether high or

humble, and to prepare the soldiers for the more serious labours of war by marches and extensive works of entrenching—particularly the construction of a canal of the Rhone, afterwards handed over to the Massiliots, for facilitating the transit of the supplies sent from Italy to the army. He maintained a strictly defensive attitude, and did not cross the bounds of the Roman province.

103. The Cimbri, Teutones, and Helvetii unite.

At length, apparently in the course of 651, the wave of the Cimbri, after having broken itself in Spain on the brave resistance of the native tribes and especially of the Celtiberians, flowed back again over the Pyrenees and thence, as it appears, passed along the shore of the Atlantic Ocean, where everything from the Pyrenees to the Seine submitted to the terrible invaders. There, on the confines of the brave confederacy of the Belgae, they first encountered serious resistance; but there also, while they were in the territory of the Vellocassi (near Rouen), considerable reinforcements reached them. Not only three cantons of the Helvetii, including the Tigorini and Tougeni who had formerly fought against the Romans at the Garonne, associated themselves, apparently about this period, with the Cimbri, but these were also joined by the kindred Teutones under their king Teutobod, who had been driven by events which tradition has not recorded from their home on the Baltic sea to appear now on the Seine.[1] But even the united hordes were unable to overcome the brave resistance of the Belgae. The leaders accordingly resolved, now that their numbers were thus swelled, to enter in all

Expedition to Italy resolved on.

[1] The view here presented rests in the main on the comparatively trustworthy account in the Epitome of Livy (where we should read *reversi in Galliam in Vellocassis se Teutonis coniunxerunt*) and in Obsequens; to the disregard of authorities of lesser weight, which make the Teutones appear by the side of the Cimbri at an earlier date, some of them, such as Appian, *Celt.* 13, even as early as the battle of Noreia. With these we connect the notices in Caesar (*B. G.* i. 33; ii. 4, 29); as the invasion of the Roman province and of Italy by the Cimbri can only mean the
102. expedition of 652.

earnest on the expedition to Italy which they had several times contemplated. In order not to encumber themselves with the spoil which they had heretofore collected, they left it behind under the protection of a division of 6000 men, which after many wanderings subsequently gave rise to the tribe of the Aduatuci on the Sambre. But, whether from the difficulty of finding supplies on the Alpine routes or from other reasons, the mass again broke up into two hosts, one of which, composed of the Cimbri and Tigorini, was to recross the Rhine and to invade Italy through the passes of the eastern Alps already reconnoitred in 641, and 113.
the other, composed of the newly-arrived Teutones, the Tougeni, and the Ambrones—the flower of the Cimbrian host already tried in the battle of Arausio—was to invade Italy through Roman Gaul and the western passes. It Teutones in the province of Gaul. [102.
was this second division, which in the summer of 652 once more crossed the Rhone without hindrance, and on its left bank resumed, after a pause of nearly three years, the struggle with the Romans. Marius awaited them in a well-chosen and well-provisioned camp at the confluence of the Isère with the Rhone, in which position he intercepted the passage of the barbarians by either of the only two military routes to Italy then practicable, that over the Little St. Bernard, and that along the coast. The Teutones attacked the camp which obstructed their passage; for three consecutive days the assault of the barbarians raged around the Roman entrenchments, but their wild courage was thwarted by the superiority of the Romans in fortress-warfare and by the prudence of the general. After severe loss the bold associates resolved to give up the assault, and to march onward to Italy past the camp. For six successive days they continued to defile—a proof of the cumbrousness of their baggage still more than of the immensity of their numbers. The general permitted the march to proceed without attacking them. We can easily understand why

he did not allow himself to be led astray by the insulting inquiries of the enemy whether the Romans had no commissions for their wives at home; but the fact, that he did not take advantage of this audacious defiling of the hostile columns in front of the concentrated Roman troops for the purpose of attack, shows how little he trusted his unpractised soldiers.

Battle of Aquae Sextiae.

When the march was over, he broke up his encampment and followed in the steps of the enemy, preserving rigorous order and carefully entrenching himself night after night. The Teutones, who were striving to gain the coast road, marching down the banks of the Rhone reached the district of Aquae Sextiae, followed by the Romans. The light Ligurian troops of the Romans, as they were drawing water, here came into collision with the Celtic rear-guard, the Ambrones; the conflict soon became general; after a hot struggle the Romans conquered and pursued the retreating enemy up to their waggon-stronghold. This first successful collision elevated the spirits of the general as well as of the soldiers; on the third day after it Marius drew up his array for a decisive battle on the hill, the summit of which bore the Roman camp. The Teutones, long impatient to measure themselves against their antagonists, immediately rushed up the hill and began the conflict. It was severe and protracted: up to midday the Germans stood like walls; but the unwonted heat of the Provençal sun relaxed their energies, and a false alarm in their rear, where a band of Roman camp-boys ran forth from a wooded ambuscade with loud shouts, utterly decided the breaking up of the wavering ranks. The whole horde was scattered, and, as was to be expected in a foreign land, either put to death or taken prisoners. Among the captives was king Teutobod; among the killed a multitude of women, who, not unacquainted with the treatment which awaited them as slaves, had caused themselves to be slain in desperate

resistance at their waggons, or had put themselves to death in captivity, after having vainly requested to be dedicated to the service of the gods and of the sacred virgins of Vesta (summer of 652). 102.

Thus Gaul was relieved from the Germans; and it was time, for their brothers-in-arms were already on the south side of the Alps. In alliance with the Helvetii, the Cimbri had without difficulty passed from the Seine to the upper valley of the Rhine, had crossed the chain of the Alps by the Brenner pass, and had descended thence through the valleys of the Eisach and Adige into the Italian plain. Here the consul Quintus Lutatius Catulus was to guard the passes; but not fully acquainted with the country and afraid of having his flank turned, he had not ventured to advance into the Alps themselves, but had posted himself below Trent on the left bank of the Adige, and had secured in any event his retreat to the right bank by the construction of a bridge. When the Cimbri, however, pushed forward in dense masses from the mountains, a panic seized the Roman army, and legionaries and horsemen ran off, the latter straight for the capital, the former to the nearest height which seemed to afford security. With great difficulty Catulus brought at least the greater portion of his army by a stratagem back to the river and over the bridge, before the enemy, who commanded the upper course of the Adige and were already floating down trees and beams against the bridge, succeeded in destroying it and thereby cutting off the retreat of the army. But the general had to leave behind a legion on the other bank, and the cowardly tribune who led it was already disposed to capitulate, when the centurion Gnaeus Petreius of Atina struck him down and cut his way through the midst of the enemy to the main army on the right bank of the Adige. Thus the army, and in some degree even the honour of their arms, was saved; but the consequences of the neglect

Cimbrians in Italy.

to occupy the passes and of the too hasty retreat were yet very seriously felt. Catulus was obliged to withdraw to the right bank of the Po and to leave the whole plain between the Po and the Alps in the power of the Cimbri, so that communication was maintained with Aquileia only
102. by sea. This took place in the summer of 652, about the same time when the decisive battle between the Teutones and the Romans occurred at Aquae Sextiae. Had the Cimbri continued their attack without interruption, Rome might have been greatly embarrassed; but on this occasion also they remained faithful to their custom of resting in winter, and all the more, because the rich country, the unwonted quarters under the shelter of a roof, the warm baths, and the new and abundant supplies for eating and drinking invited them to make themselves comfortable for the moment. Thereby the Romans gained time to encounter them with united forces in Italy. It was no season to resume—as the democratic general would perhaps otherwise have done—the interrupted scheme of conquest in Gaul, such as Gaius Gracchus had probably projected. From the battle-field of Aix the victorious army was conducted to the Po; and after a brief stay in the capital, where Marius refused the triumph offered to him until he had utterly subdued the barbarians, he arrived in person
101. at the united armies. In the spring of 653 they again crossed the Po, 50,000 strong, under the consul Marius and the proconsul Catulus, and marched against the Cimbri, who on their part seem to have marched up the river with a view to cross the mighty stream at its source.

Battle on the Raudine plain.

The two armies met below Vercellae not far from the confluence of the Sesia with the Po,[1] just at the spot where

[1] It is injudicious to deviate from the traditional account and to transfer the field of battle to Verona: in so doing the fact is overlooked that a whole winter and various movements of troops intervened between the conflicts on the Adige and the decisive engagement, and that Catulus, according to express statement (Plut. *Mar.* 24), had retreated as far as the

Hannibal had fought his first battle on Italian soil. The Cimbri desired battle, and according to their custom sent to the Romans to settle the time and place for it; Marius gratified them and named the next day—it was the 30th July 653—and the Raudine plain, a wide level space, 101.
which the superior Roman cavalry found advantageous for their movements. Here they fell upon the enemy expecting them and yet taken by surprise; for in the dense morning mist the Cimbrian cavalry found itself in hand-to-hand conflict with the stronger cavalry of the Romans before it anticipated attack, and was thereby thrown back upon the infantry which was just making its dispositions for battle. A complete victory was gained with slight loss, and the Cimbri were annihilated. Those might be deemed fortunate who met death in the battle, as most did, including the brave king Boiorix; more fortunate at least than those who afterwards in despair laid hands on themselves, or were obliged to seek in the slave-market of Rome the master who might retaliate on the individual Northman for the audacity of having coveted the beauteous south before it was time. The Tigorini, who had remained behind in the passes of the Alps with the view of subsequently following the Cimbri, ran off on the news of the defeat to their native land. The human avalanche, which for thirteen years had alarmed the nations from the Danube to the Ebro, from the Seine to the Po, rested beneath the sod or toiled under the yoke of slavery; the forlorn hope of the German migrations had performed its duty; the homeless people of the Cimbri and their comrades were no more.

The political parties of Rome continued their pitiful quarrels over the carcase, without troubling themselves about the great chapter in the world's history the first page

The victory and the parties.

right bank of the Po. The statements that the Cimbri were defeated on the Po (Hier. *Chron.*), and that they were defeated where Stilicho afterwards defeated the Getae, *i.e.* at Cherasco on the Tanaro, although both inaccurate, point at least to Vercellae much rather than to Verona.

of which was thus opened, without even giving way to the pure feeling that on this day Rome's aristocrats as well as Rome's democrats had done their duty. The rivalry of the two generals—who were not only political antagonists, but were also set at variance in a military point of view by the so different results of the two campaigns of the previous year—broke out immediately after the battle in the most offensive form. Catulus might with justice assert that the centre division which he commanded had decided the victory, and that his troops had captured thirty-one standards, while those of Marius had brought in only two, his soldiers led even the deputies of the town of Parma through the heaps of the dead to show to them that Marius had slain his thousand, but Catulus his ten thousand. Nevertheless Marius was regarded as the real conqueror of the Cimbri, and justly; not merely because by virtue of his higher rank he had held the chief command on the decisive day, and was in military gifts and experience beyond doubt far superior to his colleague, but especially because the second victory at Vercellae had in fact been rendered possible only by the first victory at Aquae Sextiae. But at that period it was considerations of political partisanship rather than of military merit which attached the glory of having saved Rome from the Cimbri and Teutones entirely to the name of Marius. Catulus was a polished and clever man, so graceful a speaker that his euphonious language sounded almost like eloquence, a tolerable writer of memoirs and occasional poems, and an excellent connoisseur and critic of art; but he was anything but a man of the people, and his victory was a victory of the aristocracy. The battles of the rough farmer on the other hand, who had been raised to honour by the common people and had led the common people to victory, were not merely defeats of the Cimbri and Teutones, but also defeats of the government: there were associated with them hopes far different

from that of being able once more to carry on mercantile transactions on the one side of the Alps or to cultivate the fields without molestation on the other. Twenty years had elapsed since the bloody corpse of Gaius Gracchus had been flung into the Tiber; for twenty years the government of the restored oligarchy had been endured and cursed; still there had risen no avenger for Gracchus, no second master to prosecute the building which he had begun. There were many who hated and hoped, many of the worst and many of the best citizens of the state: was the man, who knew how to accomplish this vengeance and these wishes, found at last in the son of the day-labourer of Arpinum? Were they really on the threshold of the new much-dreaded and much-desired second revolution?

CHAPTER VI

THE ATTEMPT OF MARIUS AT REVOLUTION AND THE ATTEMPT OF DRUSUS AT REFORM

Marius. 155. GAIUS MARIUS, the son of a poor day-labourer, was born in 599 at the village of Cereatae then belonging to Arpinum, which afterwards obtained municipal rights as Cereatae Marianae and still at the present day bears the name of "Marius' home" (Casamare). He was reared at the plough, in circumstances so humble that they seemed to preclude him from access even to the municipal offices of Arpinum: he learned early—what he practised afterwards even when a general—to bear hunger and thirst, the heat of summer and the cold of winter, and to sleep on the hard ground. As soon as his age allowed him, he had entered the army and through service in the severe school of the Spanish wars had rapidly risen to be an officer. In Scipio's Numantine war he, at that time twenty-three years of age, attracted the notice of the stern general by the neatness with which he kept his horse and his accoutrements, as well as by his bravery in combat and his decorous demeanour in camp. He had returned home with honourable scars and warlike distinctions, and with the ardent wish to make himself a name in the career on which he had gloriously entered; but, as matters then stood, a man of even the highest merit could not attain those political offices, which alone led to the higher military posts, without

wealth and without connections. The young officer acquired both by fortunate commercial speculations and by his union with a maiden of the ancient patrician clan of the Julii. So by dint of great efforts and after various miscarriages he succeeded, in 639, in attaining the praetorship, 115.
in which he found opportunity of displaying afresh his military ability as governor of Further Spain. How he thereafter in spite of the aristocracy received the consulship in 647 and, as proconsul (648, 649), terminated the African 107. 106.
war; and how, called after the calamitous day of Arausio 105.
to the superintendence of the war against the Germans, he had his consulship renewed for four successive years from 650 to 653 (a thing unexampled in the annals of the 104-101.
republic) and vanquished and annihilated the Cimbri in Cisalpine, and the Teutones in Transalpine, Gaul—has been already related. In his military position he had shown himself a brave and upright man, who administered justice impartially, disposed of the spoil with rare honesty and disinterestedness, and was thoroughly incorruptible; a skilful organizer, who had brought the somewhat rusty machinery of the Roman military system once more into a state of efficiency; an able general, who kept the soldier under discipline and withal in good humour and at the same time won his affections in comrade-like intercourse, but looked the enemy boldly in the face and joined issue with him at the proper time. He was not, as far as we can judge, a man of eminent military capacity; but the very respectable qualities which he possessed were quite sufficient under the existing circumstances to procure for him the reputation of such capacity, and by virtue of it he had taken his place in a fashion of unparalleled honour among the consulars and the triumphators. But he was none the better fitted on that account for the brilliant circle. His voice remained harsh and loud, and his look wild, as if he still saw before him Libyans or Cimbrians, and not well-

bred and perfumed colleagues. That he was superstitious like a genuine soldier of fortune; that he was induced to become a candidate for his first consulship, not by the impulse of his talents, but primarily by the utterances of an Etruscan *haruspex;* and that in the campaign with the Teutones a Syrian prophetess Martha lent the aid of her oracles to the council of war,—these things were not, in the strict sense, unaristocratic: in such matters, then as at all times, the highest and lowest strata of society met. But the want of political culture was unpardonable; it was commendable, no doubt, that he had the skill to defeat the barbarians, but what was to be thought of a consul who was so ignorant of constitutional etiquette as to appear in triumphal costume in the senate! In other respects too the plebeian character clung to him. He was not merely—according to aristocratic phraseology—a poor man, but, what was worse, frugal and a declared enemy of all bribery and corruption. After the manner of soldiers he was not nice, but was fond of his cups, especially in his later years; he knew not the art of giving feasts, and kept a bad cook. It was likewise awkward that the consular understood nothing but Latin and had to decline conversing in Greek; that he felt the Greek plays wearisome might pass—he was presumably not the only one who did so—but to confess to the feeling of weariness was naïve. Thus he remained throughout life a countryman cast adrift among aristocrats, and annoyed by the keenly-felt sarcasms and still more keenly-felt commiseration of his colleagues, which he had not the self-command to despise as he despised themselves.

Political position of Marius.

119. Marius stood aloof from the parties not much less than from society. The measures which he carried in his tribunate of the people (635)—a better control over the delivery of the voting-tablets with a view to do away with the scandalous frauds that were therein practised, and the pre-

vention of extravagant proposals for largesses to the people (p. 375)—do not bear the stamp of a party, least of all that of the democratic, but merely show that he hated what was unjust and irrational; and how could a man like this, a farmer by birth and a soldier by inclination, have been from the first a revolutionist? The hostile attacks of the aristocracy had no doubt driven him subsequently into the camp of the opponents of the government; and there he speedily found himself elevated in the first instance to be general of the opposition, and destined perhaps for still higher things hereafter. But this was far more the effect of the stringent force of circumstances and of the general need which the opposition had for a chief, than his own work; he had at any rate since his departure for Africa in 647–8 hardly tarried, in passing, for a brief period in the capital. It was not till the latter half of 653 that he returned to Rome, victor over the Teutones as over the Cimbri, to celebrate his postponed triumph now with double honours—decidedly the first man in Rome, and yet at the same time a novice in politics. It was certain beyond dispute, not only that Marius had saved Rome, but that he was the only man who could have saved it; his name was on every one's lips; the men of quality acknowledged his services; with the people he was more popular than any one before or after him, popular alike by his virtues and by his faults, by his unaristocratic disinterestedness no less than by his boorish roughness; he was called by the multitude a third Romulus and a second Camillus; libations were poured forth to him like the gods. It was no wonder that the head of the peasant's son grew giddy at times with all this glory; that he compared his march from Africa to Gaul to the victorious processions of Dionysus from continent to continent, and had a cup—none of the smallest—manufactured for his use after the model of that of Bacchus. There was just as much of hope as of gratitude

107-8.

101.

in this delirious enthusiasm of the people, which might well have led astray a man of colder blood and more mature political experience. The work of Marius seemed to his admirers by no means finished. The wretched government oppressed the land more heavily than did the barbarians: on him, the first man of Rome, the favourite of the people, the head of the opposition, devolved the task of once more delivering Rome. It is true that to one who was a rustic and a soldier the political proceedings of the capital were strange and incongruous: he spoke as ill as he commanded well, and displayed a far firmer bearing in presence of the lances and swords of the enemy than in presence of the applause or hisses of the multitude; but his inclinations were of little moment. The hopes of which he was the object constrained him. His military and political position was such that, if he would not break with the glorious past, if he would not deceive the expectations of his party and in fact of the nation, if he would not be unfaithful to his own sense of duty, he must check the maladministration of public affairs and put an end to the government of the restoration; and if he only possessed the internal qualities of a head of the people, he might certainly dispense with those which he lacked as a popular leader.

The new military organization.

He held in his hand a formidable weapon in the newly organized army. Previously to his time the fundamental principle of the Servian constitution—by which the levy was limited entirely to the burgesses possessed of property, and the distinctions as to armour were regulated solely by the property qualification (i. 115, 396)—had necessarily been in various respects relaxed. The minimum census of 11,000 *asses* (£43), which bound its possessor to enter the burgess-army, had been lowered to 4000 (£17; p. 50). The older six property-classes, distinguished by their respective kinds of armour, had been restricted to three; for, while in accordance with the Servian organization they selected the cavalry

from the wealthiest, and the light-armed from the poorest, of those liable to serve, they arranged the middle class, the proper infantry of the line, no longer according to property but according to age of service, in the three divisions of *hastati*, *principes*, and *triarii*. They had, moreover, long ago brought in the Italian allies to share to a very great extent in war-service; but in their case too, just as among the Roman burgesses, military duty was chiefly imposed on the propertied classes. Nevertheless the Roman military system down to the time of Marius rested in the main on that primitive organization of the burgess-militia. But it was no longer suited for the altered circumstances. The better classes of society kept aloof more and more from service in the army, and the Roman and Italic middle class in general was disappearing; while on the other hand the considerable military resources of the extra-Italian allies and subjects had become available, and the Italian proletariate also, properly applied, afforded at least a very useful material for military objects. The burgess-cavalry (p. 8), which was meant to be formed from the class of the wealthy, had practically ceased from service in the field even before the time of Marius. It is last mentioned as an actual *corps d'armée* in the Spanish campaign of 614, when it drove the 140
general to despair by its insolent arrogance and its insubordination, and a war broke out between the troopers and the general, waged on both sides with equal unscrupulousness. In the Jugurthine war it continues to appear merely as a sort of guard of honour for the general and foreign princes; thenceforth it wholly disappears. In like manner the filling up of the complement of the legions with properly qualified persons bound to serve proved in the ordinary course of things difficult; so that exertions, such as were necessary after the battle of Arausio, would have been in all probability really impracticable with the retention of the existing rules as to the obligation of service. On the other hand even

before the time of Marius, especially in the cavalry and the light infantry, extra-Italian subjects—the heavy mounted troopers of Thrace, the light African cavalry, the excellent light infantry of the nimble Ligurians, the slingers from the Baleares—were employed in ever-increasing numbers even beyond their own provinces for the Roman armies; and at the same time, while there was a want of qualified burgess-recruits, the non-qualified poorer burgesses pressed forward unbidden to enter the army; in fact, from the mass of the civic rabble without work or averse to it, and from the considerable advantages which the Roman war-service yielded, the enlistment of volunteers could not be difficult. It was therefore simply a necessary consequence of the political and social changes in the state, that its military arrangements should exhibit a transition from the system of the burgess-levy to the system of contingents and enlisting; that the cavalry and light troops should be essentially formed out of the contingents of the subjects—in the Cimbrian campaign, for instance, contingents were summoned from as far as Bithynia; and that in the case of the infantry of the line, while the former arrangement of obligation to service was not abolished, every free-born burgess should at the same time be permitted voluntarily to enter the army,
107. as was first done by Marius in 647.

To this was added the reducing the infantry of the line to a level, which is likewise to be referred to Marius. The Roman method of aristocratic classification had hitherto prevailed also within the legion. Each of the four divisions of the *velites*, the *hastati*, the *principes*, and the *triarii*—or, as we may say, the vanguard, the first, second, and third line—had hitherto possessed its special qualification for service, as respected property or age, and in great part also its distinctive equipment; each had its definite place once for all assigned in the order of battle; each had its definite military rank and its own standard. All these distinctions

were now superseded. Any one admitted as a legionary at all needed no further qualification in order to serve in any division; the discretion of the officers alone decided as to his place. All distinctions of armour were set aside, and consequently all recruits were uniformly trained. Connected, doubtless, with this change were the various improvements which Marius introduced in the armament, the carrying of the baggage, and similar matters, and which furnish an honourable evidence of his insight into the practical details of the business of war and of his care for his soldiers; and more especially the new method of drill devised by Publius Rutilius Rufus (consul 649) the comrade of Marius in the 105
African war. It is a significant fact, that this method considerably increased the military culture of the individual soldier, and was essentially based upon the training of the future gladiators which was usual in the fighting-schools of the time. The arrangement of the legion became totally different. The thirty companies (*manipuli*) of heavy infantry, which—each in two sections (*centuriae*) composed respectively of 60 men in the first two, and of 30 men in the third, division—had hitherto formed the tactical unit, were replaced by 10 cohorts (*cohortes*) each with its own standard and each of 6, or often only of 5, sections of 100 men apiece; so that, although at the same time 1200 men were saved by the suppression of the light infantry of the legion, yet the total numbers of the legion were raised from 4200 to from 5000 to 6000 men. The custom of fighting in three divisions was retained, but, while previously each division had formed a distinct *corps*, it was in future left to the general to distribute the cohorts, of which he had the disposal, in the three lines as he thought best. Military rank was determined solely by the numerical order of the soldiers and of the divisions. The four standards of the several parts of the legion—the wolf, the ox with a man's head, the horse, the boar—which had hitherto probably been

carried before the cavalry and the three divisions of heavy infantry, disappeared; there came instead the ensigns of the new cohorts, and the new standard which Marius gave to the legion as a whole—the silver eagle. While within the legion every trace of the previous civic and aristocratic classification thus disappeared, and the only distinctions henceforth occurring among the legionaries were purely military, accidental circumstances had some decades earlier given rise to a privileged division of the army alongside of the legions—the bodyguard of the general. Hitherto selected men from the allied contingents had formed the personal escort of the general; the employment of Roman legionaries, or even men voluntarily offering themselves, for personal service with him was at variance with the stern disciplinary obligations of the mighty commonwealth. But when the Numantine war had reared an army demoralized beyond parallel, and Scipio Aemilianus, who was called to check the wild disorder, had not been able to prevail on the government to call entirely new troops under arms, he was at least allowed to form, in addition to a number of men whom the dependent kings and free cities outside of the Roman bounds placed at his disposal, a personal escort of 500 men composed of volunteer Roman burgesses (p. 230). This cohort drawn partly from the better classes, partly from the humbler personal clients of the general, and hence called sometimes that of the friends, sometimes that of the head-quarters (*praetoriani*), had the duty of serving in the latter (*praetorium*), in return for which it was exempt from camp and entrenching service and enjoyed higher pay and greater repute.

Political significance of the Marian military reform.

This complete revolution in the constitution of the Roman army seems certainly in substance to have originated from purely military motives; and on the whole to have been not so much the work of an individual, least of all of a man of calculating ambition, as the remodelling which the

force of circumstances enjoined in arrangements which had become untenable. It is probable that the introduction of the system of inland enlistment by Marius saved the state in a military point of view from destruction, just as several centuries afterwards Arbogast and Stilicho prolonged its existence for a time by the introduction of foreign enlistment. Nevertheless, it involved a complete—although not yet developed—political revolution. The republican constitution was essentially based on the view that the citizen was at the same time a soldier, and that the soldier was above all a citizen; there was an end of it, so soon as a soldier-class was formed. To this issue the new system of drill, with its routine borrowed from the professional gladiator, could not but lead; the military service became gradually a profession. Far more rapid was the effect of the admission—though but limited—of the proletariate to participate in military service; especially in connection with the primitive maxims, which conceded to the general an arbitrary right of rewarding his soldiers compatible only with very solid republican institutions, and gave to the capable and successful soldier a sort of title to demand from the general a share of the moveable spoil and from the state a portion of the soil that had been won. While the burgess or farmer called out under the levy saw in military service nothing but a burden to be undertaken for the public good, and in the gains of war nothing but a slight compensation for the far more considerable loss brought upon him by serving, it was otherwise with the enlisted proletarian. Not only was he for the moment solely dependent upon his pay, but, as there was no Hôtel des Invalides nor even a poorhouse to receive him after his discharge, for the future also he could not but wish to abide by his standard, and not to leave it otherwise than with the establishment of his civic status. His only home was the camp, his only science war, his only hope the general—what this implied, is clear. When Marius

after the engagement on the Raudine plain unconstitutionally gave Roman citizenship on the very field of battle to two cohorts of Italian allies *en masse* for their brave conduct, he justified himself afterwards by saying that amidst the noise of battle he had not been able to distinguish the voice of the laws. If once in more important questions the interest of the army and that of the general should concur to produce unconstitutional demands, who could be security that then other laws also would not cease to be heard amid the clashing of swords? They had now the standing army, the soldier-class, the bodyguard; as in the civil constitution, so also in the military, all the pillars of the future monarchy were already in existence: the monarch alone was wanting. When the twelve eagles circled round the Palatine hill, they ushered in the reign of the Kings; the new eagle which Gaius Marius bestowed on the legions proclaimed the near advent of the Emperors.

Political projects of Marius.

There is hardly any doubt that Marius entered into the brilliant prospects which his military and political position opened up to him. It was a sad and troubled time. Men had peace, but they were not glad of having it; the state of things was not now such as it had formerly been after the first mighty onset of the men of the north on Rome, when, so soon as the crisis was over, all energies were roused anew in the fresh consciousness of recovered health, and had by their vigorous development rapidly and amply made up for what was lost. Every one felt that, though able generals might still once and again avert immediate destruction, the commonwealth was only the more surely on the way to ruin under the government of the restored oligarchy; but every one felt also that the time was past when in such cases the burgess-body came to its own help, and that there was no amendment so long as the place of Gaius Gracchus remained empty. How deeply the multitude felt the blank that was left after the disappearance of those two illustrious youths

who had opened the gates to revolution, and how childishly in fact it grasped at any shadow of a substitute, was shown by the case of the pretended son of Tiberius Gracchus, who, although the very sister of the two Gracchi charged him with fraud in the open Forum, was yet chosen by the people in 655 as tribune solely on account of his usurped name. 99.
In the same spirit the multitude exulted in the presence of Gaius Marius; how should it not? He, if any one, seemed the right man—he was at any rate the first general and the most popular name of his time, confessedly brave and upright, and recommended as regenerator of the state by his very position aloof from the proceedings of party—how should not the people, how should not he himself, have held that he was so! Public opinion as decidedly as possible favoured the opposition. It was a significant indication of this, that the proposal to have the vacant stalls in the chief priestly colleges filled up by the burgesses instead of the colleges themselves—which the government had frustrated in the comitia in 609 by the suggestion of religious scruples 145.
—was carried in 650 by Gnaeus Domitius without the 104.
senate having been able even to venture a serious resistance. On the whole it seemed as if nothing was wanted but a chief, who should give to the opposition a firm rallying point and a practical aim; and this was now found in Marius.

For the execution of his task two methods of operation offered themselves; Marius might attempt to overthrow the oligarchy either as *imperator* at the head of the army, or in the mode prescribed by the constitution for constitutional changes: his own past career pointed to the former course, the precedent of Gracchus to the latter. It is easy to understand why he did not adopt the former plan, perhaps did not even think of the possibility of adopting it. The senate was or seemed so powerless and helpless, so hated and despised, that Marius conceived himself scarcely to need

any other support in opposing it than his immense popularity, but hoped in case of necessity to find such a support, notwithstanding the dissolution of the army, in the soldiers discharged and waiting for their rewards. It is probable that Marius, looking to Gracchus' easy and apparently almost complete victory and to his own resources far surpassing those of Gracchus, deemed the overthrow of a constitution four hundred years old, and intimately bound up with the manifold habits and interests of the body-politic arranged in a complicated hierarchy, a far easier task than it was. But any one, who looked more deeply into the difficulties of the enterprise than Marius probably did, might reflect that the army, although in the course of transition from a militia to a body of mercenaries, was still during this state of transition by no means adapted for the blind instrument of a *coup d'état*, and that an attempt to set aside the resisting elements by military means would have probably augmented the power of resistance in his antagonists. To mix up the organized armed force in the struggle could not but appear at the first glance superfluous and at the second hazardous; they were just at the beginning of the crisis, and the antagonistic elements were still far from having reached their last, shortest, and simplest expression.

The popular party.

Marius therefore discharged the army after his triumph in accordance with the existing regulation, and entered on the course traced out by Gaius Gracchus for procuring to himself supremacy in the state by undertaking its constitutional magistracies. In this enterprise he found himself dependent for support on what was called the popular party, and sought his allies in its leaders for the time being all the more, that the victorious general by no means possessed the gifts and experiences requisite for the command of the streets. Thus the democratic party after long insignificance suddenly regained political importance. It had, in the long interval from Gaius Gracchus to Marius, materially deterio-

rated. Perhaps the dissatisfaction with the senatorial government was not now less than it was then; but several of the hopes, which had brought to the Gracchi their most faithful adherents, had in the meanwhile been recognized as illusory, and there had sprung up in many minds a misgiving that this Gracchan agitation tended towards an issue whither a very large portion of the discontented were by no means willing to follow it. In fact, amidst the chase and turmoil of twenty years there had been rubbed off and worn away very much of the fresh enthusiasm, the steadfast faith, the moral purity of effort, which mark the early stages of revolutions. But, if the democratic party was no longer what it had been under Gaius Gracchus, the leaders of the intervening period were now as far beneath their party as Gaius Gracchus had been exalted above it. This was implied in the nature of the case. Until there should emerge a man having the boldness like Gaius Gracchus to grasp at the supremacy of the state, the leaders could only be stopgaps: either political novices, who gave furious vent to their youthful love of opposition and then, when duly accredited as fiery declaimers and favourite speakers, effected with more or less dexterity their retreat to the camp of the government party; or people who had nothing to lose in respect of property and influence, and usually not even anything to gain in respect of honour, and who made it their business to obstruct and annoy the government from personal exasperation or even from the mere pleasure of creating a noise. To the former sort belonged, for instance, Gaius Memmius (p. 394) and the well-known orator Lucius Crassus, who turned the oratorical laurels which they had won in the ranks of the opposition to account in the sequel as zealous partisans of the government.

But the most notable leaders of the popular party about this time were men of the second sort. Such were Gaius Servilius Glaucia, called by Cicero the Roman Hyperbolus, Glaucia.

a vulgar fellow of the lowest origin and of the most shameless street-eloquence, but effective and even dreaded by
Saturninus. reason of his pungent wit; and his better and abler associate, Lucius Appuleius Saturninus, who even according to the accounts of his enemies was a fiery and impressive speaker, and was at least not guided by motives of vulgar selfishness. When he was quaestor, the charge of the importation of corn, which had fallen to him in the usual way, had been withdrawn from him by decree of the senate, not so much perhaps on account of maladministration, as in order to confer this—just at that time popular—office on one of the heads of the government party, Marcus Scaurus, rather than upon an unknown young man belonging to none of the ruling families. This mortification had driven the aspiring and sensitive man into the ranks of the opposition; and as
103. tribune of the people in 651 he repaid what he had received with interest. One scandalous affair had at that time followed hard upon another. He had spoken in the open market of the briberies practised in Rome by the envoys of king Mithradates—these revelations, compromising in the highest degree the senate, had wellnigh cost the bold tribune his life. He had excited a tumult against the conqueror of Numidia, Quintus Metellus, when he was a candidate for
102. the censorship in 652, and kept him besieged in the Capitol till the equites liberated him not without bloodshed; the retaliatory measure of the censor Metellus—the expulsion with infamy of Saturninus and of Glaucia from the senate on occasion of the revision of the senatorial roll—had only miscarried through the remissness of the colleague assigned to Metellus. Saturninus mainly had carried that exceptional commission against Caepio and his associates (p. 440) in spite of the most vehement resistance by the government party; and in opposition to the same he had carried the
102. keenly-contested re-election of Marius as consul for 65. Saturninus was decidedly the most energetic enemy of the

senate and the most active and eloquent leader of the popular party since Gaius Gracchus; but he was also violent and unscrupulous beyond any of his predecessors, always ready to descend into the street and to refute his antagonist with blows instead of words.

Such were the two leaders of the so-called popular party, who now made common cause with the victorious general. It was natural that they should do so; their interests and aims coincided, and even in the earlier candidatures of Marius Saturninus at least had most decidedly and most effectively taken his side. It was agreed between them that for 654 Marius should become a candidate for a sixth 100. consulship, Saturninus for a second tribunate, Glaucia for the praetorship, in order that, possessed of these offices, they might carry out the intended revolution in the state. The senate acquiesced in the nomination of the less dangerous Glaucia, but did what it could to hinder the election of Marius and Saturninus, or at least to associate with the former a determined antagonist in the person of Quintus Metellus as his colleague in the consulship. All appliances, lawful and unlawful, were put in motion by both parties; but the senate was not successful in arresting the dangerous conspiracy in the bud. Marius did not disdain in person to solicit votes and, it was said, even to purchase them; in fact, at the tribunician elections when nine men from the list of the government party were proclaimed, and the tenth place seemed already secured for a respectable man of the same complexion Quintus Nunnius, the latter was set upon and slain by a savage band, which is said to have been mainly composed of discharged soldiers of Marius. Thus the conspirators gained their object, although by the most violent means. Marius was chosen as consul, Glaucia as praetor, Saturninus as tribune of the people for 654; 100. the second consular place was obtained not by Quintus Metellus, but by an insignificant man, Lucius Valerius

Flaccus: the confederates might proceed to put into execution the further schemes which they contemplated and
121. to complete the work broken off in 633.

The Appuleian laws.

Let us recall the objects which Gaius Gracchus pursued, and the means by which he pursued them. His object was to break down the oligarchy within and without. He aimed, on the one hand, to restore the power of the magistrates, which had become completely dependent on the senate, to its original sovereign rights, and to re-convert the senatorial assembly from a governing into a deliberative board; and, on the other hand, to put an end to the aristocratic division of the state into the three classes of the ruling burgesses, the Italian allies, and the subjects, by the gradual equalization of those distinctions which were incompatible with a government not oligarchical. These ideas the three confederates revived in the colonial laws, which Saturninus as tribune of the people had partly intro-
108. 100. duced already (651), partly now introduced (654).[1] As early as the former year the interrupted distribution of the Carthaginian territory had been resumed primarily for the benefit of the soldiers of Marius—not the burgesses only but, as it would seem, also the Italian allies—and each of these veterans had been promised an allotment of 100 *jugera*, or about five times the size of an ordinary Italian farm, in the province of Africa. Now not only was the provincial land already available claimed in its widest extent for the Romano-Italian emigration, but also all the land of the still independent Celtic tribes beyond the Alps,

[1] It is not possible to distinguish exactly what belongs to the first and what to the second tribunate of Saturninus; the more especially, as in both he evidently followed out the same Gracchan tendencies. The African agrarian law is definitely placed by the treatise *De Viris Ill.* 73, 1
103. in 651; and this date accords with the termination, which had taken place just shortly before, of the Jugurthine war. The second agrarian law
100. belongs beyond doubt to 654. The treason-law and the corn-law have
103. been only conjecturally placed, the former in 651 (p. 442 *note*), the latter
100. in 654.

by virtue of the legal fiction that through the conquest of the Cimbri all the territory occupied by these had been acquired *de jure* by the Romans. Gaius Marius was called to conduct the assignations of land and the farther measures that might appear necessary in this behalf; and the temple-treasures of Tolosa, which had been embezzled but were refunded or had still to be refunded by the guilty aristocrats, were destined for the outfit of the new receivers of land. This law therefore not only revived the plans of conquest beyond the Alps and the projects of Transalpine and transmarine colonization, which Gaius Gracchus and Flaccus had sketched, on the most extensive scale; but, by admitting the Italians along with the Romans to emigration and yet undoubtedly prescribing the erection of all the new communities as burgess-colonies, it formed a first step towards satisfying the claims—to which it was so difficult to give effect, and which yet could not be in the long run refused—of the Italians to be placed on an equality with the Romans. First of all, however, if the law passed and Marius was called to the independent carrying out of these immense schemes of conquest and assignation, he would become practically—until those plans should be realized or rather, considering their indefinite and unlimited character, for his lifetime—monarch of Rome; with which view it may be presumed that Marius intended to have his consulship annually renewed, like the tribunate of Gracchus. But, amidst the agreement of the political positions marked out for the younger Gracchus and for Marius in all other essential particulars, there was yet a very material distinction between the land-assigning tribune and the land-assigning consul in the fact, that the former was to occupy a purely civil position, the latter a military position as well; a distinction, which partly but by no means solely arose out of the personal circumstances under which the two men had risen to the head of the state.

While such was the nature of the aim which Marius and his comrades had proposed to themselves, the next question related to the means by which they purposed to break down the resistance—which might be anticipated to be obstinate—of the government party. Gaius Gracchus had fought his battles with the aid of the capitalist class and the proletariate. His successors did not neglect to make advances likewise to these. The equites were not only left in possession of the tribunals, but their power as jurymen was considerably increased, partly by a stricter ordinance regarding the standing commission—especially important to the merchants—as to extortions on the part of the public magistrates in the provinces, which Glaucia carried probably in this year, partly by the special tribunal, appointed
103. doubtless as early as 651 on the proposal of Saturninus, respecting the embezzlements and other official malversations that had occurred during the Cimbrian movement in Gaul. For the benefit, moreover, of the proletariate of the capital the sum below cost price, which hitherto had to be paid on occasion of the distributions of grain for the *modius*, was lowered from 6⅓ *asses* to a mere nominal charge of ⅚ of an *as*. But although they did not despise the alliance with the equites and the proletariate of the capital, the real power by which the confederates enforced their measures lay not in these, but in the discharged soldiers of the Marian army, who for that very reason had been provided for in the colonial laws themselves after so extravagant a fashion. In this also was evinced the predominating military character, which forms the chief distinction between this attempt at revolution and that which preceded it.

Violent proceedings in the voting.

They went to work accordingly. The corn and colonial laws encountered, as was to be expected, the keenest opposition from the government. They proved in the senate by striking figures, that the former must make the public treasury bankrupt; Saturninus did not trouble himself about that.

They brought tribunician intercession to bear against both laws; Saturninus ordered the voting to go on. They informed the magistrates presiding at the voting that a peal of thunder had been heard, a portent by which according to ancient belief the gods enjoined the dismissal of the public assembly; Saturninus remarked to the messengers that the senate would do well to keep quiet, otherwise the thunder might very easily be followed by hail. Lastly the urban quaestor, Quintus Caepio, the son, it may be presumed, of the general condemned three years before,[1] and like his father a vehement antagonist of the popular party, with a band of devoted partisans dispersed the comitia by violence. But the tough soldiers of Marius, who had flocked in crowds to Rome to vote on this occasion, quickly rallied and dispersed the city bands, and on the voting ground thus reconquered the vote on the Appuleian laws was successfully brought to an end. The scandal was grievous; but when it came to the question whether the senate would comply with the clause of the law that within five days after its passing every senator should on pain of forfeiting his senatorial seat take an oath faithfully to observe it, all the senators took the oath with the single exception of Quintus Metellus, who preferred to go into exile. Marius and Saturninus were not displeased to see the best general and the ablest man among the opposing party removed from the state by voluntary banishment.

The fall of the revolutionary party.

Their object seemed to be attained; but even now to those who saw more clearly the enterprise could not but appear a failure. The cause of the failure lay mainly in the awkward alliance between a politically incapable general

[1] All indications point to this conclusion. The elder Quintus Caepio was consul in 648, the younger quaestor in 651 or 654, the former consequently was born about or before 605, the latter about 624 or 627. The fact that the former died without leaving sons (Strabo, iv. 188) is not inconsistent with this view, for the younger Caepio fell in 664, and the elder, who ended his life in exile at Smyrna, may very well have survived him. 106. 103. 100. 148 130. 127. 90.

and a street-demagogue, capable but recklessly violent, and filled with passion rather than with the aims of a statesman. They had agreed excellently, so long as the question related only to plans. But when the plans came to be executed, it was very soon apparent that the celebrated general was in politics utterly incapable; that his ambition was that of the farmer who would cope with and, if possible, surpass the aristocrats in titles, and not that of the statesman who desires to govern because he feels within him the power to do so; that every enterprise, which was based on his personal standing as a politician, must necessarily even under the most favourable circumstances be ruined by himself.

Opposition of the whole aristocracy.

He knew neither the art of gaining his antagonists, nor that of keeping his own party in subjection. The opposition against him and his comrades was even of itself sufficiently considerable; for not only did the government party belong to it in a body, but also a great part of the burgesses, who guarded with jealous eyes their exclusive privileges against the Italians; and by the course which things took the whole class of the wealthy was also driven over to the government. Saturninus and Glaucia were from the first masters and servants of the proletariate and therefore not at all on a good footing with the moneyed aristocracy, which had no objection now and then to keep the senate in check by means of the rabble, but had no liking for street-riots and violent outrages. As early as the first tribunate of Saturninus his armed bands had their skirmishes with the equites; the vehement opposition
100. which his election as tribune for 654 encountered shows clearly how small was the party favourable to him. It should have been the endeavour of Marius to avail himself of the dangerous help of such associates only in moderation, and to convince all and sundry that they were destined not to rule, but to serve him as the ruler. As he did precisely

the contrary, and the matter came to look quite as if the object was to place the government in the hands not of an intelligent and vigorous master, but of the mere *canaille*, the men of material interests, terrified to death at the prospect of such confusion, again attached themselves closely to the senate in presence of this common danger. While Gaius Gracchus, clearly perceiving that no government could be overthrown by means of the proletariate alone, had especially sought to gain over to his side the propertied classes, those who desired to continue his work began by producing a reconciliation between the aristocracy and the *bourgeoisie*.

Variance between Marius and the demagogues.

But the ruin of the enterprise was brought about, still more rapidly than by this reconciliation of enemies, through the dissension which the more than ambiguous behaviour of Marius necessarily produced among its promoters. While the decisive proposals were brought forward by his associates and carried after a struggle by his soldiers, Marius maintained an attitude wholly passive, just as if the political leader was not bound quite as much as the military, when the brunt of battle came, to present himself everywhere and foremost in person. Nor was this all; he was terrified at, and fled from the presence of, the spirits which he had himself evoked. When his associates resorted to expedients which an honourable man could not approve, but without which in fact the object of their efforts could not be attained, he attempted, in the fashion usual with men whose ideas of political morality are confused, to wash his hands of participation in those crimes and at the same time to profit by their results. There is a story that the general once conducted secret negotiations in two different rooms of his house, with Saturninus and his partisans in the one, and with the deputies of the oligarchy in the other, talking with the former of striking a blow against the senate, and with the latter of interfering against the revolt,

and that under a pretext which was in keeping with the anxiety of the situation he went to and fro between the two conferences—a story as certainly invented, and as certainly appropriate, as any incident in Aristophanes. The ambiguous attitude of Marius became notorious in the question of the oath. At first he seemed as though he would himself refuse the oath required by the Appuleian laws on account of the informalities that had occurred at their passing, and then swore it with the reservation, "so far as the laws were really valid"; a reservation which annulled the oath itself, and which of course all the senators likewise adopted in swearing, so that by this mode of taking the oath the validity of the laws was not secured, but on the contrary was for the first time really called in question.

The consequences of this behaviour—stupid beyond parallel—on the part of the celebrated general soon developed themselves. Saturninus and Glaucia had not undertaken the revolution and procured for Marius the supremacy of the state, in order that they might be disowned and sacrificed by him; if Glaucia, the favourite jester of the people, had hitherto lavished on Marius the gayest flowers of his jovial eloquence, the garlands which he now wove for him were by no means redolent of roses and violets. A total rupture took place, by which both parties were lost; for Marius had not a footing sufficiently firm singly to maintain the colonial law which he had himself called in question and to possess himself of the position which it assigned to him, nor were Saturninus and Glaucia in a condition to continue on their own account the work which Marius had begun.

Saturninus isolated.

But the two demagogues were so compromised that they could not recede; they had no alternative save to resign their offices in the usual way and thereby to deliver themselves with their hands bound to their exasperated

opponents, or now to grasp the sceptre for themselves, although they felt that they could not bear its weight. They resolved on the latter course; Saturninus would come forward once more as a candidate for the tribunate of the people for 655, Glaucia, although praetor and not 99. eligible for the consulship till two years had elapsed, would become a candidate for the latter. In fact the tribunician elections were decided entirely to their mind, and the attempt of Marius to prevent the spurious Tiberius Gracchus from soliciting the tribuneship served only to show the celebrated man what was now the worth of his popularity; the multitude broke the doors of the prison in which Gracchus was confined, bore him in triumph through the streets, and elected him by a great majority as their tribune. Saturninus and Glaucia sought to control the more important consular election by the expedient for the removal of inconvenient competitors which had been tried in the previous year; the counter-candidate of the government party, Gaius Memmius—the same who eleven years before had led the opposition against them (p. 394)—was suddenly assailed by a band of ruffians and beaten to death. But the government party had only waited for a striking event of this sort in order to employ force. The senate required the consul Gaius Marius to interfere, and the latter in reality professed his readiness now to draw for the conservative party the sword, which he had obtained from the democracy and had promised to wield on its behalf. The young men were hastily called out, equipped with arms from the public buildings, and drawn up in military array; the senate itself appeared under arms in the Forum, with its venerable chief Marcus Scaurus at its head. The opposite party were doubtless superior in a street-riot, but were not prepared for such an attack; they had now to defend themselves as they could. They broke open the doors of the prisons, and called the slaves to

Saturninus assailed,

liberty and to arms; they proclaimed—so it was said at any rate—Saturninus as king or general; on the day when the new tribunes of the people had to enter on their office,
100. the 10th of December 654, a battle occurred in the great market-place—the first which, since Rome existed, had ever been fought within the walls of the capital. The issue was not for a moment doubtful. The Populares were
and overpowered. beaten and driven up to the Capitol, where the supply of water was cut off from them and they were thus compelled to surrender. Marius, who held the chief command, would gladly have saved the lives of his former allies who were now his prisoners; Saturninus proclaimed to the multitude that all which he had proposed had been done in concert with the consul: even a worse man than Marius was could not but shudder at the inglorious part which he played on this day. But he had long ceased to be master of affairs. Without orders the youth of rank climbed the roof of the senate-house in the Forum where the prisoners were temporarily confined, stripped off the tiles, and with these stoned their victims. Thus Saturninus perished with most of the more notable prisoners. Glaucia was found in a lurking-place and likewise put to death. Without sentence or trial there died on this day four magistrates of the Roman people—a praetor, a quaestor, and two tribunes of the people—and a number of other well-known men, some of whom belonged to good families. In spite of the grave faults by which the chiefs had invited on themselves this bloody retribution, we may nevertheless lament them: they fell like advanced posts, which are left unsupported by the main army and are forced to perish without aim in a conflict of despair.

Ascendency of the government. Never had the government party achieved a more complete victory, never had the opposition suffered a more severe defeat, than on this 10th of December. It was the least part of the success that they had got rid of some

troublesome brawlers, whose places might be supplied any day by associates of a like stamp; it was of greater moment that the only man, who was then in a position to become dangerous to the government, had publicly and completely effected his own annihilation; and most important of all that the two elements of the opposition, the capitalist order and the proletariate, emerged from the strife wholly at variance. It is true that this was not the work of the government; the fabric which had been put together by the adroit hands of Gaius Gracchus had been broken up, partly by the force of circumstances, partly and especially by the coarse and boorish management of his incapable successor; but in the result it mattered not whether calculation or good fortune helped the government to its victory. A more pitiful position can hardly be conceived than that occupied by the hero of Aquae and Vercellae after such a disaster—all the more pitiful, because people could not but compare it with the lustre which only a few months before surrounded the same man. No one either on the aristocratic or the democratic side any longer thought of the victorious general on occasion of filling up the magistracies; the hero of six consulships could not even venture to become a candidate in 656 for the censorship. He went away to the east, ostensibly for the purpose of fulfilling a vow there, but in reality that he might not be a witness of the triumphant return of his mortal foe Quintus Metellus; he was allowed to go. He returned and opened his house; his halls stood empty. He always hoped that conflicts and battles would occur and that the people would once more need his experienced arm; he thought to provide himself with an opportunity for war in the east, where the Romans might certainly have found sufficient occasion for energetic interference. But this also miscarried, like every other of his wishes; profound peace continued to prevail. Yet the longing after honours once aroused within him, the oftener

Marius politically annihilated.

98.

it was disappointed, ate the more deeply into his heart. Superstitious as he was, he cherished in his bosom an old oracular saying which had promised him seven consulships, and in gloomy meditation brooded over the means by which this utterance was to obtain its fulfilment and he his revenge, while he appeared to all, himself alone excepted, insignificant and innocuous.

The equestrian party.

Still more important in its consequences than the setting aside of the dangerous man was the deep exasperation against the Populares, as they were called, which the insurrection of Saturninus left behind in the party of material interests. With the most remorseless severity the equestrian tribunals condemned every one who professed oppositional views; Sextus Titius, for instance, was condemned not so much on account of his agrarian law as because he had in his house a statue of Saturninus; Gaius Appuleius Decianus was condemned, because he had as tribune of the people characterized the proceedings against Saturninus as illegal. Even for earlier injuries inflicted by the Populares on the aristocracy satisfaction was now demanded, not without prospect of success, before the equestrian tribunals. Because Gaius Norbanus had eight years previously in concert with Saturninus driven the consular
95. Quintus Caepio into exile (p. 440) he was now (659) on the ground of his own law accused of high treason, and the jurymen hesitated long—not whether the accused was guilty or innocent, but whether his ally Saturninus or his enemy Caepio was to be regarded as the most deserving of their hate—till at last they decided for acquittal. Even if people were not more favourably disposed towards the government in itself than before, yet, after having found themselves, although but for a moment, on the verge of a real mob-rule, all men who had anything to lose viewed the existing government in a different light; it was notoriously wretched and pernicious for the state, but the anxious dread

of the still more wretched and still more pernicious government of the proletariate had conferred on it a relative value. The current now set so much in that direction that the multitude tore in pieces a tribune of the people who had ventured to postpone the return of Quintus Metellus, and the democrats began to seek their safety in league with murderers and poisoners—ridding themselves, for example, of the hated Metellus by poison—or even in league with the public enemy, several of them already taking refuge at the court of king Mithradates who was secretly preparing for war against Rome. External relations also assumed an aspect favourable for the government. The Roman arms were employed but little in the period from the Cimbrian to the Social war, but everywhere with honour. The only serious conflict was in Spain, where, during the recent years so trying for Rome (649 *seq.*), the Lusitanians and 105.
Celtiberians had risen with unwonted vehemence against the Romans. In the years 656–661 the consul Titus 98-93.
Didius in the northern and the consul Publius Crassus in the southern province not only re-established with valour and good fortune the ascendency of the Roman arms, but also razed the refractory towns and, where it seemed necessary, transplanted the population of the strong mountain-towns to the plains. We shall show in the sequel that about the same time the Roman government again directed its attention to the east which had been for a generation neglected, and displayed greater energy than had for long been heard of in Cyrene, Syria, and Asia Minor. Never since the commencement of the revolution had the government of the restoration been so firmly established, or so popular. Consular laws were substituted for tribunician; restrictions on liberty replaced measures of progress. The cancelling of the laws of Saturninus was a matter of course; the transmarine colonies of Marius disappeared down to a single petty settlement on the barbarous island of Corsica.

When the tribune of the people Sextus Titius—a caricatured Alcibiades, who was greater in dancing and ball-playing than in politics, and whose most prominent talent consisted in breaking the images of the gods in the streets at night—
99. re-introduced and carried the Appuleian agrarian law in 655, the senate was able to annul the new law on a religious pretext without any one even attempting to defend it; the author of it was punished, as we have already mentioned,
98. by the equites in their tribunals. Next year (656) a law brought in by the two consuls made the usual four-and-twenty days' interval between the introduction and the passing of a project of law obligatory, and forbade the combination of several enactments different in their nature in one proposal; by which means the unreasonable extension of the initiative in legislation was at least somewhat restricted, and the government was prevented from being openly taken by surprise with new laws. It became daily more evident that the Gracchan constitution, which had survived the fall of its author, was now, since the multitude and the moneyed aristocracy no longer went together, tottering to its foundations. As that constitution had been based on division in the ranks of the aristocracy, so it seemed that dissensions in the ranks of the opposition could not but bring about its fall. Now, if ever, the time had come for completing the
121. unfinished work of restoration of 633, for making the Gracchan constitution share the fate of the tyrant, and for replacing the governing oligarchy in the sole possession of political power.

Collision between the senate and equites in the administration of the provinces.

Everything depended on recovering the nomination of the jurymen. The administration of the provinces—the chief foundation of the senatorial government—had become dependent on the jury courts, more particularly on the commission regarding exactions, to such a degree that the governor of a province seemed to administer it no longer for the senate, but for the order of capitalists and

merchants. Ready as the moneyed aristocracy always was to meet the views of the government when measures against the democrats were in question, it sternly resented every attempt to restrict it in this its well-acquired right of unlimited sway in the provinces. Several such attempts were now made; the governing aristocracy began again to come to itself, and its very best men reckoned themselves bound, at least for their own part, to oppose the dreadful maladministration in the provinces. The most resolute in this respect was Quintus Mucius Scaevola, like his father Publius *pontifex maximus* and in 659 consul, 95.
the foremost jurist and one of the most excellent men of his time. As praetorian governor (about 656) of Asia, 98.
the richest and worst-abused of all the provinces, he—in concert with his older friend, distinguished as an officer, iurist, and historian, the consular Publius Rutilius Rufus—set a severe and deterring example. Without making any distinction between Italians and provincials, noble and ignoble, he took up every complaint, and not only compelled the Roman merchants and state-lessees to give full pecuniary compensation for proven injuries, but, when some of their most important and most unscrupulous agents were found guilty of crimes deserving death, deaf to all offers of bribery he ordered them to be duly crucified. The senate approved his conduct, and even made it an instruction afterwards to the governors of Asia that they should take as their model the principles of Scaevola's administration; but the equites, although they did not venture to meddle with that highly aristocratic and influential statesman himself, brought to trial his associates and ultimately (about 662) even the most considerable 92.
of them, his legate Publius Rufus, who was defended only by his merits and recognized integrity, not by family connection. The charge that such a man had allowed himself to perpetrate exactions in Asia, almost broke down

under its own absurdity and under the infamy of the accuser, one Apicius; yet the welcome opportunity of humbling the consular was not allowed to pass, and, when the latter, disdaining false rhetoric, mourning robes, and tears, defended himself briefly, simply, and to the point, and proudly refused the homage which the sovereign capitalists desired, he was actually condemned, and his moderate property was confiscated to satisfy fictitious claims for compensation. The condemned resorted to the province which he was alleged to have plundered, and there, welcomed by all the communities with honorary deputations, and praised and beloved during his lifetime, he spent in literary leisure his remaining days. And this disgraceful condemnation, while perhaps the worst, was by no means the only case of the sort. The senatorial party was exasperated, not so much perhaps by such abuse of justice in the case of men of stainless walk but of new nobility, as by the fact that the purest nobility no longer sufficed to cover possible stains on its honour. Scarcely was Rufus out of the country, when the most respected of all aristocrats, for twenty years the chief of the senate, Marcus Scaurus at seventy years of age was brought to trial for exactions; a sacrilege according to aristocratic notions, even if he were guilty. The office of accuser began to be exercised professionally by worthless fellows, and neither irreproachable character, nor rank, nor age longer furnished protection from the most wicked and most dangerous attacks. The commission regarding exactions was converted from a shield of the provincials into their worst scourge; the most notorious robber escaped with impunity, if he only indulged his fellow-robbers and did not refuse to allow part of the sums exacted to reach the jury; but any attempt to respond to the equitable demands of the provincials for right and justice sufficed for condemnation. It seemed as if the

intention was to bring the Roman government into the same dependence on the controlling court, as that in which the college of judges at Carthage had formerly held the council there. The prescient expression of Gaius Gracchus was finding fearful fulfilment, that with the dagger of his law as to the jurymen the world of quality would lacerate itself.

Livius Drusus.

An attack on the equestrian courts was inevitable. Every one in the government party who was still alive to the fact that governing implies not merely rights but also duties, every one in fact who still felt any nobler or prouder ambition within him, could not but rise in revolt against this oppressive and disgraceful political control, which precluded any possibility of upright administration. The scandalous condemnation of Rutilius Rufus seemed a summons to begin the attack at once, and Marcus Livius Drusus, who was tribune of the people in 663, regarded 91. that summons as specially addressed to himself. Son of the man of the same name, who thirty years before had primarily caused the overthrow of Gaius Gracchus (p. 364) and had afterwards made himself a name as an officer by the subjugation of the Scordisci (p. 429), Drusus was, like his father, of strictly conservative views, and had already given practical proof that such were his sentiments in the insurrection of Saturninus. He belonged to the circle of the highest nobility, and was the possessor of a colossal fortune; in disposition too he was a genuine aristocrat—a man emphatically proud, who scorned to bedeck himself with the insignia of his offices, but declared on his death-bed that there would not soon arise a citizen like to him; a man with whom the beautiful saying, that nobility implies obligation, was and continued to be the rule of his life. With all the vehement earnestness of his temperament he had turned away from the frivolity and venality that marked the nobles of the common stamp;

trustworthy and strict in morals, he was respected rather than properly beloved on the part of the common people, to whom his door and his purse were always open, and notwithstanding his youth, he was through the personal dignity of his character a man of weight in the senate as in the Forum. Nor did he stand alone. Marcus Scaurus had the courage on occasion of his defence in the trial for extortion publicly to summon Drusus to undertake a reform of the judicial arrangements; he and the famous orator, Lucius Crassus, were in the senate the most zealous champions of his proposals, and were perhaps associated with him in originating them. But the mass of the governing aristocracy was by no means of the same mind with Drusus, Scaurus, and Crassus. There were not wanting in the senate decided adherents of the capitalist party, among whom in particular a conspicuous place belonged to the consul of the day, Lucius Marcius Philippus, who maintained the cause of the equestrian order as he had formerly maintained that of the democracy (p. 380) with zeal and prudence, and to the daring and reckless Quintus Caepio, who was induced to this opposition primarily by his personal hostility to Drusus and Scaurus. More dangerous, however, than these decided opponents was the cowardly and corrupt mass of the aristocracy, who no doubt would have preferred to plunder the provinces alone, but in the end had not much objection to share the spoil with the equites, and, instead of taking in hand the grave and perilous struggle against the haughty capitalists, reckoned it far more equitable and easy to purchase impunity at their hands by fair words and by an occasional prostration or even by a round sum. The result alone could show how far success would attend the attempt to carry along with the movement this body, without which it was impossible to attain the desired end.

Drusus drew up a proposal to withdraw the functions of

jurymen from the burgesses of equestrian rating and to restore them to the senate, which at the same time was to be put in a position to meet its increased obligations by the admission of 300 new members; a special criminal commission was to be appointed for pronouncing judgment in the case of those jurymen who had been or should be guilty of accepting bribes. By this means the immediate object was gained; the capitalists were deprived of their political exclusive rights, and were rendered responsible for the perpetration of injustice. But the proposals and designs of Drusus were by no means limited to this; his projects were not measures adapted merely for the occasion, but a comprehensive and thoroughly-considered plan of reform. He proposed, moreover, to increase the largesses of grain and to cover the increased expense by the permanent issue of a proportional number of copper plated, alongside of the silver, *denarii;* and then to set apart all the still undistributed arable land of Italy—thus including in particular the Campanian domains—and the best part of Sicily for the settlement of burgess-colonists. Lastly, he entered into the most distinct obligations towards the Italian allies to procure for them the Roman franchise. Thus the very same supports of power and the very same ideas of reform, on which the constitution of Gaius Gracchus had rested, presented themselves now on the side of the aristocracy—a singular, and yet easily intelligible coincidence. It was only to be expected that, as the *tyrannis* had rested for its support against the oligarchy, so the latter should rest for its support against the moneyed aristocracy, on the paid and in some degree organized proletariate; while the government had formerly accepted the feeding of the proletariate at the expense of the state as an inevitable evil, Drusus now thought of employing it, at least for the moment, against the moneyed aristocracy. It was only to be expected that the better part of the aristocracy, just as

Attempt at reform on the part of the moderate aristocracy.

it formerly consented to the agrarian law of Tiberius Gracchus, would now readily consent to all those measures of reform, which, without touching the question of a supreme head, only aimed at the cure of the old evils of the state. In the question of emigration and colonization, it is true, they could not go so far as the democracy, since the power of the oligarchy mainly rested on their free control over the provinces and was endangered by any permanent military command; the ideas of equalizing Italy and the provinces and of making conquests beyond the Alps were not compatible with conservative principles. But the senate might very well sacrifice the Latin and even the Campanian domains as well as Sicily in order to raise the Italian farmer class, and yet retain the government as before; to which fell to be added the consideration, that they could not more effectually obviate future agitations than by providing that all the land at all disposable should be brought to distribution by the aristocracy itself, and that according to Drusus' own expression, nothing should be left for future demagogues to distribute but "the street-dirt and the daylight." In like manner it was for the government—whether that might be a monarch, or a close number of ruling families—very much a matter of indifference whether the half or the whole of Italy possessed the Roman franchise; and hence the reforming men on both sides probably could not but coincide in the idea of averting the danger of a recurrence of the insurrection of Fregellae on a larger scale by a judicious and reasonable extension of the franchise, and of seeking allies, moreover, for their plans in the numerous and influential Italians. Sharply as in the question of the headship of the state the views and designs of the two great political parties differed, the best men of both camps had many points of contact in their means of operation and in their reforming tendencies; and, as Scipio Aemilianus may be named alike among the adversaries of

Tiberius Gracchus and among the promoters of his reforming efforts, so Drusus was the successor and disciple no less than the antagonist of Gaius. The two high-born and high-minded youthful reformers had a greater resemblance than was apparent at the first glance; and, personally also, the two were not unworthy to meet, as respects the substance of their patriotic endeavours, in purer and higher views above the obscuring mists of prejudiced partisanship.

Discussions on the Livian laws.

The question at stake was the passing of the laws drawn up by Drusus. Of these the proposer, just like Gaius Gracchus, kept in reserve for the moment the hazardous project of conferring the Roman franchise on the Italian allies, and brought forward at first only the laws as to the jurymen, the assignation of land, and the distribution of grain. The capitalist party offered the most vehement resistance, and, in consequence of the irresolution of the greater part of the aristocracy and the vacillation of the comitia, would beyond question have carried the rejection of the law as to jurymen, if it had been put to the vote by itself. Drusus accordingly embraced all his proposals in one law; and, as thus all the burgesses interested in the distributions of grain and land were compelled to vote also for the law as to jurymen, he succeeded in carrying the law with their help and that of the Italians, who stood firmly by Drusus with the exception of the large landowners, particularly those in Umbria and Etruria, whose domanial possessions were threatened. It was not carried, however, until Drusus had caused the consul Philippus, who would not desist from opposition, to be arrested and carried off to prison by a bailiff. The people celebrated the tribune as their benefactor, and received him in the theatre by rising up and applauding; but the voting had not so much decided the struggle as transferred it to another ground, for the opposite party justly characterized the proposal of Drusus as contrary to the law of 656 (p. 480) and therefore as null. 98.

The chief opponent of the tribune, the consul Philippus, summoned the senate on this ground to cancel the Livian law as informal; but the majority of the senate, glad to be rid of the equestrian courts, rejected the proposal. The consul thereupon declared in the open market that it was not possible to govern with such a senate, and that he would look out for another state-council: he seemed to meditate a *coup d'état*. The senate, convoked accordingly by Drusus, after stormy discussions pronounced against the consul a vote of censure and of want of confidence; but in secret a great part of the majority began to cherish apprehension respecting the revolution, with which they seemed to be threatened on the part both of Philippus and of a large portion of the capitalists. Other circumstances added to that apprehension. One of the most active and eminent of those who shared the views of Drusus, the orator Lucius Crassus, died suddenly a few days after that
91. sitting of the senate (Sept. 663). The connections formed by Drusus with the Italians, which he had at first communicated only to a few of his most intimate friends, became gradually divulged, and the furious cry of high treason which his antagonists raised was echoed by many, perhaps by most, men of the government party. Even the generous warning which he communicated to the consul Philippus, to beware of the murderous emissaries of the Italians at the federal festival on the Alban Mount, served only further to compromise him, for it showed how deeply he was involved in the conspiracies fermenting among the Italians.

The Livian law annulled.

Philippus insisted with daily-increasing vehemence on the abrogation of the Livian law; the majority grew daily more lukewarm in its defence. A return to the former state of things soon appeared to the great multitude of the timid and the irresolute in the senate the only way of escape, and a decree cancelling the law on account of formal defects was issued. Drusus, after his fashion sternly acquiescing,

contented himself with the remark that it was the senate itself which thus restored the hated equestrian courts, and waived his right to render the cancelling decree invalid by means of his veto. The attack of the senate on the capitalist party was totally repulsed, and willingly or unwillingly they submitted once more to the former yoke.

Murder of Drusus.

But the great capitalists were not content with having conquered. One evening, when Drusus at his entrance hall was just about to take leave of the multitude which as usual escorted him, he suddenly dropped down in front of the image of his father; an assassin's hand had struck him, and so surely, that a few hours afterwards he expired. The perpetrator had vanished in the evening twilight without any one recognizing him, and no judicial investigation took place; but none such was needed to discover here that dagger with which the aristocracy lacerated itself. The same violent and terrible end, which had swept away the democratic reformers, was destined also for the Gracchus of the aristocracy. It involved a profound and melancholy lesson. Reform was frustrated by the resistance or by the weakness of the aristocracy, even when the attempt at reformation proceeded from their own ranks. Drusus had staked his strength and his life in the attempt to overthrow the dominion of the merchants, to organize emigration, to avert the impending civil war; he himself saw the merchants ruling more absolutely than ever, found all his ideas of reform frustrated, and died with the consciousness that his sudden death would be the signal for the most fearful civil war that has ever desolated the fair land of Italy.

CHAPTER VII

THE REVOLT OF THE ITALIAN SUBJECTS, AND THE SULPICIAN REVOLUTION

Romans and Italians.

FROM the time when the defeat of Pyrrhus had put an end to the last war which the Italians had waged for their independence—or, in other words, for nearly two hundred years—the Roman primacy had now subsisted in Italy, without having been once shaken in its foundations even under circumstances of the utmost peril. Vainly had the heroic family of the Barcides, vainly had the successors of Alexander the Great and of the Achaemenids, endeavoured to rouse the Italian nation to contend with the too powerful capital; it had obsequiously appeared in the fields of battle on the Guadalquivir and on the Mejerdah, at the pass of Tempe and at Mount Sipylus, and with the best blood of its youth had helped its masters to achieve the subjugation of three continents. Its own position meanwhile had changed, but had deteriorated rather than improved. In a material point of view, doubtless, it had in general not much ground to complain. Though the small and intermediate landholders throughout Italy suffered in consequence of the injudicious Roman legislation as to corn, the larger landlords and still more the mercantile and capitalist class were flourishing, for the Italians enjoyed, as respected the turning of the provinces to financial account, substantially the same protection and the same privileges as

Roman burgesses, and thus shared to a great extent in the material advantages of the political ascendency of the Romans. In general, the economic and social condition of Italy was not primarily dependent on political distinctions; there were allied districts, such as Umbria and Etruria, in which the class of free farmers had mostly disappeared, while in others, such as the valleys of the Abruzzi, the same class had still maintained a tolerable footing or remained almost unaffected—just as a similar diversity could be pointed out in the different Roman burgess-districts. On the other hand the political inferiority of Italy was daily displayed more harshly and more abruptly. No formal open breach of right indeed occurred, at least in the principal questions. The communal freedom, which under the name of sovereignty was accorded by treaty to the Italian communities, was on the whole respected by the Roman government; the attack, which the Roman reform party at the commencement of the agrarian agitation made on the Roman domains guaranteed to the communities of better position, had not only been earnestly opposed by the strictly conservative as well as by the middle party in Rome, but had been very soon abandoned by the Roman opposition itself.

Disabilities and wrongs of the subjects.

But the rights, which belonged and could not but belong to Rome as the leading community—the supreme conduct of war-affairs, and the superintendence of the whole administration—were exercised in a way which was almost as bad as if the allies had been directly declared to be subjects devoid of rights. The numerous modifications of the fearfully severe martial law of Rome, which were introduced there in the course of the seventh century, seem to have remained on the whole limited to the Roman burgess-soldiers: this is certain as to the most important, the abolition of executions by martial law (p. 347), and we may easily conceive the impression which was produced when, as happened in the

Jugurthine war, Latin officers of repute were beheaded by sentence of the Roman council of war, while the lowest burgess-soldier had in the like case the right of presenting an appeal to the civil tribunals of Rome. The proportions in which the burgesses and Italian allies were to be drawn for military service had, as was fair, remained undefined by treaty; but, while in earlier times the two had furnished on an average equal numbers of soldiers (i. 133, 440), now, although the proportions of the population had changed probably in favour of the burgesses rather than to their disadvantage, the demands on the allies were by degrees increased disproportionately (ii. 54; p. 25), so that on the one hand they had the chief burden of the heavier and more costly service imposed on them, and on the other hand there were two allies now regularly levied for one burgess. In like manner with this military supremacy the civil superintendence, which (including the supreme administrative jurisdiction which could hardly be separated from it) the Roman government had always and rightly reserved to itself over the dependent Italian communities, was extended in such a way that the Italians were hardly less than the provincials abandoned without protection to the caprice of any one of the numberless Roman magistrates. In Teanum Sidicinum, one of the most considerable of the allied towns, a consul had ordered the chief magistrate of the town to be scourged with rods at the stake in the market-place, because, on the consul's wife expressing a desire to bathe in the men's bath, the municipal officers had not driven forth the bathers quickly enough, and the bath appeared to her not to be clean. Similar scenes had taken place in Ferentinum, likewise a town holding the best position in law, and even in the old and important Latin colony of Cales. In the Latin colony of Venusia a free peasant had been seized by a young Roman diplomatist not holding office but passing through the town, on account of a

jest which he had allowed himself to make on the Roman's litter, had been thrown down, and whipped to death with the straps of the litter. These occurrences are incidentally mentioned about the time of the Fregellan insurrection; it admits of no doubt that similar outrages frequently occurred, and of as little that no real satisfaction for such misdeeds could anywhere be obtained, whereas the right of appeal—not lightly violated with impunity—protected in some measure at least the life and limbs of the Roman burgess. In consequence of this treatment of the Italians on the part of the Roman government, the variance, which the wisdom of their ancestors had carefully fostered between the Latin and the other Italian communities, could not fail, if not to disappear, at any rate to undergo abatement (p. 28). The curb-fortresses of Rome and the districts kept to their allegiance by these fortresses lived now under the like oppression; the Latin could remind the Picentine that they were both in like manner "subject to the fasces"; the overseers and the slaves of former days were now united by a common hatred towards the common despot.

While the present state of the Italian allies was thus transformed from a tolerable relation of dependence into the most oppressive bondage, they were at the same time deprived of every prospect of obtaining better rights. With the subjugation of Italy the Roman burgess-body had closed its ranks; the bestowal of the franchise on whole communities was totally given up, its bestowal on individuals was greatly restricted (p. 26). They now advanced a step farther: on occasion of the agitation which contemplated the extension of the Roman franchise to all Italy in the years 628, 632, the right of migration to Rome was itself 126. 122.
attacked, and all the non-burgesses resident in Rome were directly ejected by decree of the people and of the senate from the capital (pp. 340, 363)—a measure as odious on account of its illiberality, as dangerous from the various

private interests which it injuriously affected. In short, while the Italian allies had formerly stood to the Romans partly in the relation of brothers under tutelage, protected rather than ruled and not destined to perpetual minority, partly in that of slaves tolerably treated and not utterly deprived of the hope of manumission, they were now all of them subject nearly in equal degree, and with equal hopelessness, to the rods and axes of their Roman masters, and might at the utmost presume like privileged slaves to transmit the kicks received from their masters onward to the poor provincials.

The rupture.

It belongs to the nature of such differences that, restrained by the sense of national unity and by the remembrance of dangers surmounted in common, they make their appearance at first gently and as it were modestly, till the breach gradually widens and the relation between the rulers, whose might is their sole right, and the ruled, whose obedience reaches no farther than their fears, manifests at length undisguisedly the character of force. Down to the revolt and razing of Fregellae in 629, which as it were officially attested the altered character of the Roman rule, the ferment among the Italians did not properly wear a revolutionary character. The longing after equal rights had gradually risen from a silent wish to a loud request, only to be the more decidedly rejected, the more distinctly it was put forward. It was very soon apparent that a voluntary concession was not to be hoped for, and the wish to extort what was refused would not be wanting; but the position of Rome at that time hardly permitted them to entertain any idea of realizing that wish. Although the numerical proportions of the burgesses and non-burgesses in Italy cannot be properly ascertained, it may be regarded as certain that the number of the burgesses was not very much less than that of the Italian allies; for nearly 400,000 burgesses capable of bearing arms there were at least

Fregellan war. [125.

Difficulty of a general insurrection.

500,000, probably 600,000 allies.[1] So long as with such proportions the burgesses were united and there was no outward enemy worthy of mention, the Italian allies, split up into an endless number of isolated urban and cantonal communities, and connected with Rome by a thousand relations public and private, could never attain to common action; and with moderate prudence the government could not fail to control their troublesome and indignant subjects partly by the compact mass of the burgesses, partly by the very considerable resources which the provinces afforded, partly by setting one community against another.

The Italians and the Roman parties.

Accordingly the Italians kept themselves quiet, till the revolution began to shake Rome; but, as soon as this had broken out, they too mingled in the movements and agitations of the Roman parties, with a view to obtain equality of rights by means of the one or the other. They had made common cause first with the popular and then with the senatorial party, and gained equally little by either. They had been driven to the conviction that, while the best men of both parties acknowledged the justice and equity of their claims, these best men, aristocrats as well as Populares, had equally little power to procure a hearing for those

[1] These figures are taken from the numbers of the census of 639 and 684; there were in the former year 394,336 burgesses capable of bearing arms, in the latter 910,000 (according to Phlegon *Fr.* 12 Müll., which statement Clinton and his copyists erroneously refer to the census of 668; according to Liv. *Ep.* 98 the number was—by the correct reading—900,000 persons). The only figures known between these two—those of the census of 668, which according to Hieronymus gave 463,000 persons—probably turned out so low only because the census took place amidst the crisis of the revolution. As an increase of the population of Italy is not conceivable in the period from 639 to 684, and even the Sullan assignations of land can at the most have but filled the gaps which the war had made, the surplus of fully 500,000 men capable of bearing arms may be referred with certainty to the reception of the allies which had taken place in the interval. But it is possible, and even probable, that in these fateful years the total amount of the Italian population may have retrograded rather than advanced: if we reckon the total deficit at 100,000 men capable of bearing arms, which seems not excessive, there were at the time of the Social War in Italy three non-burgesses for two burgesses.

115. 70. 86. 86. 115. 70.

claims with the mass of their party. They had also observed that the most gifted, most energetic, and most celebrated statesmen of Rome had found themselves, at the very moment when they came forward as advocates of the Italians, deserted by their own adherents and had been accordingly overthrown. In all the vicissitudes of the thirty years of revolution and restoration governments enough had been installed and deposed, but, however the programme might vary, a short-sighted and narrow-minded spirit sat always at the helm.

The Italians and the oligarchy.

Above all, the recent occurrences had clearly shown how vain was the expectation of the Italians that their claims would be attended to by Rome. So long as the demands of the Italians were mixed up with those of the revolutionary party and had in the hands of the latter been thwarted by the folly of the masses, they might still resign themselves to the belief that the oligarchy had been hostile merely to the proposers, not to the proposal itself, and that there was still a possibility that the more intelligent senate would accept a measure which was compatible with the nature of the oligarchy and salutary for the state. But the recent years, in which the senate once more ruled almost absolutely, had shed only too disagreeable a light on the designs of the Roman oligarchy also. Instead of the expected modifications, there was issued in 659 a consular law which most strictly prohibited the non-burgesses from laying claim to the franchise and threatened transgressors with trial and punishment—a law which threw back a large number of most respectable persons who were deeply interested in the question of equalization from the ranks of Romans into those of Italians, and which in point of indisputable legality and of political folly stands completely on a parallel with that famous act which laid the foundation for the separation of North America from the mother-country; in fact it became, just like that act, the

95.

The Licinio-Mucian law.

proximate cause of the civil war. It was only so much the worse, that the authors of this law by no means belonged to the obstinate and incorrigible Optimates; they were no other than the sagacious and universally honoured Quintus Scaevola, destined, like George Grenville, by nature to be a jurist and by fate to be a statesman—who by his equally honourable and pernicious rectitude inflamed more than any one else first the war between senate and equites, and then that between Romans and Italians—and the orator Lucius Crassus, the friend and ally of Drusus and altogether one of the most moderate and judicious of the Optimates.

The Italians and Drusus.

Amidst the vehement ferment, which this law and the numerous processes arising out of it called forth throughout Italy, the star of hope once more appeared to arise for the Italians in the person of Marcus Drusus. That which had been deemed almost impossible—that a conservative should take up the reforming ideas of the Gracchi, and should become the champion of equal rights for the Italians—had nevertheless occurred; a man of the high aristocracy had resolved to emancipate the Italians from the Sicilian Straits to the Alps and the government at one and the same time, and to apply all his earnest zeal, all his trusty devotedness to these generous plans of reform. Whether he actually, as was reported, placed himself at the head of a secret league, whose threads ramified through Italy and whose members bound themselves by an oath[1] to stand by each

[1] The form of oath is preserved (in Diodor. *Vat.* p. 116); it runs thus: "I swear by the Capitoline Jupiter and by the Roman Vesta and by the hereditary Mars and by the generative Sun and by the nourishing Earth and by the divine founders and enlargers (the Penates) of the City of Rome, that he shall be my friend and he shall be my foe who is friend or foe to Drusus; also that I will spare neither mine own life nor the life of my children or of my parents, except in so far as it is for the good of Drusus and those who share this oath. But if I should become a burgess by the law of Drusus, I will esteem Rome as my home and Drusus as the greatest of my benefactors. I shall tender this oath to as many of my fellow-citizens as I can; and if I swear truly, may it fare with me well; if I swear falsely, may it fare with me ill." But we shall do well to employ this account with caution; it is derived either from the speeches delivered

other for Drusus and for the common cause, cannot be ascertained; but, even if he did not lend himself to acts so dangerous and in fact unwarrantable for a Roman magistrate, yet it is certain that he did not keep to mere general promises, and that dangerous connections were formed in his name, although perhaps without his consent and against his will. With joy the Italians heard that Drusus had carried his first proposals with the consent of the great majority of the senate; with still greater joy all the communities of Italy celebrated not long afterwards the recovery of the tribune, who had been suddenly attacked by severe illness. But as the further designs of Drusus became unveiled, a change took place; he could not venture to bring in his chief law; he had to postpone, he had to delay, he had soon to retire. It was reported that the majority of the senate were vacillating and threatened to fall away from their leader; in rapid succession the tidings ran through the communities of Italy, that the law which had passed was annulled, that the capitalists ruled more absolutely than ever, that the tribune had been struck by the
91. hand of an assassin, that he was dead (autumn of 663).

Preparations for general revolt against Rome.

The last hope that the Italians might obtain admission to Roman citizenship by agreement was buried with Marcus Drusus. A measure, which that conservative and energetic man had not been able under the most favourable circumstances to induce his own party to adopt, was not to be gained at all by amicable means. The Italians had no course left save to submit patiently or to repeat once more, and if possible with their united strength, the attempt which had been crushed in the bud five-and-thirty years

against Drusus by Philippus (which seems to be indicated by the absurd title "oath of Philippus" prefixed by the extractor of the formula) or at best from the documents of criminal procedure subsequently drawn up respecting this conspiracy in Rome; and even on the latter hypothesis it remains questionable, whether this form of oath was elicited from the accused or imputed to them in the inquiry.

before by the destruction of Fregellae—so as by force of arms either to destroy Rome and succeed to her heritage, or at least to compel her to grant equality of rights. The latter resolution was no doubt a resolution of despair; as matters stood, the revolt of the isolated urban communities against the Roman government might well appear still more hopeless than the revolt of the American colonies against the British empire; to all appearance the Roman government might with moderate attention and energy of action prepare for this second insurrection the fate of its predecessor. But was it less a resolution of despair, to sit still and allow things to take their course? When they recollected how the Romans had been in the habit of behaving in Italy without provocation, what could they expect now that the most considerable men in every Italian town had or were alleged to have had—the consequences on either supposition being pretty much the same—an understanding with Drusus, which was immediately directed against the party now victorious and might well be characterized as treason? All those who had taken part in this secret league, all in fact who might be merely suspected of participation, had no choice left save to begin the war or to bend their neck beneath the axe of the executioner.

Moreover, the present moment presented comparatively favourable prospects for a general insurrection throughout Italy. We are not exactly informed how far the Romans had carried out the dissolution of the larger Italian confederacies (ii. 53); but it is not improbable that the Marsians, the Paelignians, and perhaps even the Samnites and Lucanians still were associated in their old communal leagues, though these had lost their political significance and were in some cases probably reduced to mere fellowship of festivals and sacrifices. The insurrection, if it should now begin, would still find a rallying point in these unions; but who could say how soon the Romans would

for that very reason proceed to abolish these also? The secret league, moreover, which was alleged to be headed by Drusus, had lost in him its actual or expected chief, but it continued to exist and afforded an important nucleus for the political organization of the insurrection; while its military organization might be based on the fact that each allied town possessed its own armament and experienced soldiers. In Rome on the other hand no serious preparations had been made. It was reported, indeed, that restless movements were occurring in Italy, and that the communities of the allies maintained a remarkable intercourse with each other; but instead of calling the citizens in all haste to arms, the governing corporation contented itself with exhorting the magistrates in the customary fashion to watchfulness and with sending out spies to learn farther particulars. The capital was so totally undefended, that a resolute Marsian officer Quintus Pompaedius Silo, one of the most intimate friends of Drusus, is said to have formed the design of stealing into the city at the head of a band of trusty associates carrying swords under their clothes, and of seizing it by a *coup de main*. Preparations were accordingly made for a revolt; treaties were concluded, and arming went on silently but actively, till at last, as usual, the insurrection broke out through an accident somewhat earlier than the leading men had intended.

Outbreak of the insurrection in Asculum.

The Roman praetor with proconsular powers, Gaius Servilius, informed by his spies that the town of Asculum (Ascoli) in the Abruzzi was sending hostages to the neighbouring communities, proceeded thither with his legate Fonteius and a small escort, and addressed to the multitude, which was just then assembled in the theatre for the celebration of the great games, a vehement and menacing harangue. The sight of the axes known only too well, the proclamation of threats that were only too seriously meant, threw the spark into the fuel of bitter

hatred that had been accumulating for centuries; the Roman magistrates were torn to pieces by the multitude in the theatre itself, and immediately, as if it were their intention by a fearful outrage to break down every bridge of reconciliation, the gates were closed by command of the magistracy, all the Romans residing in Asculum were put to death, and their property was plundered. The revolt ran through the peninsula like the flame through the steppe. The brave and numerous people of the Marsians took the lead, in connection with the small but hardy confederacies in the Abruzzi—the Paeligni, Marrucini, Frentani, and Vestini. The brave and sagacious Quintus Silo, already mentioned, was here the soul of the movement. The Marsians were the first formally to declare against the Romans, whence the war retained afterwards the name of the Marsian war. The example thus given was followed by the Samnite communities, and generally by the mass of the communities from the Liris and the Abruzzi down to Calabria and Apulia; so that all Central and Southern Italy was soon in arms against Rome.

Marsians and Sabellians.

Central and Southern Italy.

The Etruscans and Umbrians on the other hand held by Rome, as they had already taken part with the equites against Drusus (p. 487). It is a significant fact, that in these regions the landed and moneyed aristocracy had from ancient times preponderated and the middle class had totally disappeared, whereas among and near the Abruzzi the farmer-class had preserved its purity and vigour better than anywhere else in Italy: it was from the farmers accordingly and the middle class in general that the revolt substantially proceeded, whereas the municipal aristocracy still went hand in hand with the government of the capital. This also readily explains the fact, that there were in the insurgent districts isolated communities, and in the insurgent communities minorities, adhering to the Roman alliance; the Vestinian town Pinna, for instance, sustained

Italians friendly to Rome.

a severe siege for Rome, and a corps of loyalists that was formed in the Hirpinian country under Minatius Magius of Aeclanum supported the Roman operations in Campania. Lastly, there adhered to Rome the allied communities of best legal position—in Campania Nola and Nuceria and the Greek maritime towns Neapolis and Rhegium, and in like manner at least most of the Latin colonies, such as Alba and Aesernia—just as in the Hannibalic war the Latin and Greek towns on the whole had taken part with, and the Sabellian towns against, Rome. The forefathers of the city had based their dominion over Italy on an aristocratic classification, and with skilful adjustment of the degrees of dependence had kept in subjection the less privileged communities by means of those with better rights, and the burgesses within each community by means of the municipal aristocracy. It was only now, under the incomparably wretched government of the oligarchy, that the solidity and strength with which the statesmen of the fourth and fifth centuries had joined together the stones of their structure were thoroughly put to the test; the building, though shaken in various ways, still held out against this storm. When we say, however, that the towns of better position did not at the first shock abandon Rome, we by no means affirm that they would now, as in the Hannibalic war, hold out for a length of time and after severe defeats, without wavering in their allegiance to Rome; that fiery trial had not yet been endured.

Impression as to the insurrection in Rome.

The first blood was thus shed, and Italy was divided into two great military camps. It is true, as we have seen, that the insurrection was still very far from being a general rising of the Italian allies; but it had already acquired an extent exceeding perhaps the hopes of the leaders themselves, and the insurgents might without arrogance think of offering to the Roman government a fair accommodation. They sent envoys to Rome, and bound themselves to lay

down their arms in return for admission to citizenship; it was in vain. The public spirit, which had been so long wanting in Rome, seemed suddenly to have returned, when the question was one of obstructing with stubborn narrow-mindedness a demand of the subjects just in itself and now supported by a considerable force. The immediate effect of the Italian insurrection was, just as was the case after the defeats which the policy of the government had suffered in Africa and Gaul (pp. 396, 439), the commencement of a warfare of prosecutions, by means of which the aristocracy of judges took vengeance on those men of the government whom they, rightly or wrongly, looked upon as the primary cause of this mischief. On the proposal of the tribune Quintus Varius, in spite of the resistance of the Optimates and in spite of tribunician interference, a special commission of high treason—formed, of course, from the equestrian order which contended for the proposal with open violence—was appointed for the investigation of the conspiracy instigated by Drusus and widely ramified in Italy as well as in Rome, out of which the insurrection had originated, and which now, when the half of Italy was under arms, appeared to the whole of the indignant and alarmed burgesses as undoubted treason. The sentences of this commission largely thinned the ranks of the senatorial party favourable to mediation: among other men of note Drusus' intimate friend, the young and talented Gaius Cotta, was sent into banishment, and with difficulty the grey-haired Marcus Scaurus escaped the same fate. Suspicion went so far against the senators favourable to the reforms of Drusus, that soon afterwards the consul Lupus reported from the camp to the senate regarding the communications that were constantly maintained between the Optimates in his camp and the enemy; a suspicion which, it is true, was soon shown to be unfounded by the arrest of Marsian spies. So far king Mithradates might

Rejection of the proposals for an accommodation.

Commission of high treason.

not without reason assert, that the mutual enmities of the factions were more destructive to the Roman state than the Social War itself.

Energetic decrees.

In the first instance, however, the outbreak of the insurrection, and the terrorism which the commission of high treason exercised, produced at least a semblance of unity and vigour. Party feuds were silent; able officers of all shades—democrats like Gaius Marius, aristocrats like Lucius Sulla, friends of Drusus like Publius Sulpicius Rufus—placed themselves at the disposal of the government. The largesses of corn were, apparently about this time, materially abridged by decree of the people with a view to husband the financial resources of the state for the war; which was the more necessary, as, owing to the threatening attitude of king Mithradates, the province of Asia might at any moment fall into the hand of the enemy and thus one of the chief sources of the Roman revenue be dried up. The courts, with the exception of the commission of high treason, in accordance with a decree of the senate temporarily suspended their action; all business stood still, and nothing was attended to but the levying of soldiers and the manufacture of arms.

Political organization of the insurrection.

While the leading state thus collected its energies in the prospect of the severe war impending, the insurgents had to solve the more difficult task of acquiring political organization during the struggle. In the territory of the Paeligni situated in the centre of the Marsian, Samnite, Marrucinian, and Vestinian cantons and consequently in the heart of the insurgent districts, in the beautiful plain on the river Pescara, the town of Corfinium was selected as

Opposition-Rome.

the Opposition-Rome or city of Italia whose citizenship was conferred on the burgesses of all the insurgent communities; there a Forum and a senate-house were staked off on a suitable scale. A senate of five hundred members was charged with the settlement of the constitution and

the superintendence of the war. In accordance with its directions the burgesses selected from the men of senatorial rank two consuls and twelve praetors, who, just like the two consuls and six praetors of Rome, were invested with the supreme authority in war and peace. The Latin language, which was even then the prevailing language among the Marsians and Picentes, continued in official use, but the Samnite language which predominated in Southern Italy was placed side by side with it on a footing of equality; and the two were made use of alternately on the silver pieces which the new Italian state began to coin in its own name after Roman models and after the Roman standard, thus appropriating likewise the monopoly of coinage which Rome had exercised for two centuries. It is evident from these arrangements—and was, indeed a matter of course—that the Italians now no longer thought of wresting equality of rights from the Romans, but purposed to annihilate or subdue them and to form a new state. But it is also obvious that their constitution was nothing but a pure copy of that of Rome or, in other words, was the ancient polity handed down by tradition among the Italian nations from time immemorial:—the organization of a city instead of the constitution of a state, with primary assemblies as unwieldy and useless as the Roman comitia, with a governing corporation which contained within it the same elements of oligarchy as the Roman senate, with an executive administered in like manner by a plurality of coordinate supreme magistrates. This imitation descended to the minutest details; for instance, the title of consul or praetor held by the magistrate in chief command was after a victory exchanged by the general of the Italians also for the title of Imperator. Nothing in fact was changed but the name; on the coins of the insurgents the same image of the gods appears, the inscription only being changed from *Roma* to *Italia*. This Rome of the insurgents was distinguished—

not to its advantage—from the original Rome merely by the circumstance, that, while the latter had at any rate an urban development, and its unnatural position intermediate between a city and a state had formed itself at least in a natural way, the new Italia was nothing at all but a place of congress for the insurgents, and it was by a pure fiction of law that the inhabitants of the peninsula were stamped as burgesses of this new capital. But it is significant that in this case, where the sudden amalgamation of a number of isolated cantons into a new political unity might have so naturally suggested the idea of a representative constitution in the modern sense, no trace of any such idea occurs; in fact the very opposite course was followed,[1] and the communal organization was simply reproduced in a far more absurd manner than before. Nowhere perhaps is it so clearly apparent as in this instance, that in the view of antiquity a free constitution was inseparable from the appearance of the sovereign people in person in the primary assemblies, or from a city; and that the great fundamental idea of the modern republican-constitutional state, viz. the expression of the sovereignty of the people by a representative assembly—an idea without which a free state would be a chaos—is wholly modern. Even the Italian polity, although in its somewhat representative senates and in the diminished importance of the comitia it approximated to a free state, never was able in the case either of Rome or of Italia to cross the boundary-line.

[1] Even from our scanty information, the best part of which is given by Diodorus, p. 538 and Strabo, v. 4, 2, this is very distinctly apparent; for example, the latter expressly says that the burgess-body chose the magistrates. That the senate of Italia was meant to be formed in another manner and to have different powers from that of Rome, has been asserted, but has not been proved. Of course in its first composition care would be taken to have a representation in some degree uniform of the insurgent cities; but that the senators were to be regularly deputed by the communities, is nowhere stated. As little does the commission given to the senate to draw up a constitution exclude its promulgation by the magistrates and ratification by the assembly of the people.

Thus began, a few months after the death of Drusus, in the winter of 663–4, the struggle—as one of the coins of the insurgents represents it—of the Sabellian ox against the Roman she-wolf. Both sides made zealous preparations: in Italia great stores of arms, provisions, and money were accumulated; in Rome the requisite supplies were drawn from the provinces and particularly from Sicily, and the long-neglected walls were put in a state of defence against any contingency. The forces were in some measure equally balanced. The Romans filled up the blanks in their Italian contingents partly by increased levies from the burgesses and from the inhabitants—already almost wholly Romanized—of the Celtic districts on the south of the Alps, of whom 10,000 served in the Campanian army alone,[1] partly by the contingents of the Numidians and other transmarine nations; and with the aid of the free cities in Greece and Asia Minor they collected a war fleet.[2] On both sides, without reckoning garrisons, as many as 100,000 soldiers were brought into the field,[3] and in the ability of their men, in military tactics and armament, the Italians were nowise inferior to the Romans. **Warlike preparations. 91-90.**

The conduct of the war was very difficult both for the insurgents and for the Romans, because the territory in revolt was very extensive and a great number of fortresses adhering to Rome were scattered up and down in it: so that on the one hand the insurgents found themselves compelled to combine a siege-warfare, which broke up their **Subdivision of the armies on either side.**

[1] The bullets found at Asculum show that the Gauls were very numerous also in the army of Strabo.

[2] We still have a decree of the Roman senate of 22 May 676, which grants honours and advantages on their discharge to three Greek ship-captains of Carystus, Clazomenae, and Miletus for faithful services rendered since the commencement of the Italian war (664). Of the same nature is the account of Memnon, that two triremes were summoned from Heraclea on the Black Sea for the Italian war, and that they returned in the eleventh year with rich honorary gifts. **78** **90.**

[3] That this statement of Appian is not exaggerated, is shown by the bullets found at Asculum which name among others the fifteenth legion.

forces and consumed their time, with the protection of an extended frontier; and on the other hand the Romans could not well do otherwise than combat the insurrection, which had no proper centre, simultaneously in all the insurgent districts. In a military point of view the insurgent country fell into two divisions; in the northern, which reached from Picenum and the Abruzzi to the northern border of Campania and embraced the districts speaking Latin, the chief command was held on the Italian side by the Marsian Quintus Silo, on the Roman side by Publius Rutilius Lupus, both as consuls; in the southern, which included Campania, Samnium, and generally the regions speaking Sabellian, the Samnite Gaius Papius Mutilus commanded as consul of the insurgents, and Lucius Julius Caesar as the Roman consul. With each of the two commanders-in-chief there were associated on the Italian side six, on the Roman side five, lieutenant-commanders, each of whom conducted the attack or defence in a definite district, while the consular armies were destined to act more freely and to strike the decisive blow. The most esteemed Roman officers, such as Gaius Marius, Quintus Catulus, and the two consulars of experience in the Spanish war, Titus Didius and Publius Crassus, placed themselves at the disposal of the consuls for these posts; and though the Italians had not names so celebrated to oppose to them, yet the result showed that their leaders were in a military point of view nowise inferior to the Romans.

The offensive in this thoroughly desultory war was on the whole on the side of the Romans, but was nowhere decisively assumed even on their part. It is surprising that the Romans did not collect their troops for the purpose of attacking the insurgents with a superior force, and that the insurgents made no attempt to advance into Latium and to throw themselves on the hostile capital. We are however too little acquainted with their respective circumstances

to judge whether or how they could have acted otherwise, or to what extent the remissness of the Roman government on the one hand and the looseness of the connection among the federate communities on the other contributed to this want of unity in the conduct of the war. It is easy to see that with such a system there would doubtless be victories and defeats, but the final settlement might be very long delayed; and it is no less plain that a clear and vivid picture of such a war—which resolved itself into a series of engagements on the part of individual corps operating at the same time, sometimes separately, sometimes in combination—cannot be prepared out of the remarkably fragmentary accounts which have come down to us.

Commencement of the war.

The first assault, as a matter of course, fell on the fortresses adhering to Rome in the insurgent districts, which in all haste closed their gates and carried in their moveable property from the country. Silo threw himself on the fortress designed to hold in check the Marsians, the strong Alba, Mutilus on the Latin town of Aesernia established in the heart of Samnium: in both cases they encountered the most resolute resistance. Similar conflicts probably raged in the north around Firmum, Atria, Pinna, in the south around Luceria, Beneventum, Nola, Paestum, before and while the Roman armies gathered on the borders of the insurgent country.

The fortresses.

Caesar in Campania and Samnium. [90.

After the southern army under Caesar had assembled in the spring of 664 in Campania which for the most part held by Rome, and had provided Capua—with its domain so important for the Roman finances—as well as the more important allied cities with garrisons, it attempted to assume the offensive and to come to the aid of the smaller divisions sent on before it to Samnium and Lucania under Marcus Marcellus and Publius Crassus. But Caesar was repulsed by the Samnites and Marsians under Publius Vettius Scato with severe loss, and the important town of Venafrum thereupon passed over to the

insurgents, into whose hands it delivered its Roman garrison. By the defection of this town, which lay on the military road from Campania to Samnium, Aesernia was isolated, and that fortress already vigorously assailed found itself now exclusively dependent on the courage and perseverance of its defenders and their commandant Marcellus. It is true that an incursion, which Sulla happily carried out with the same artful audacity as formerly his expedition to Bocchus, relieved the hard-pressed Aesernians for a moment; nevertheless they were after an obstinate resistance compelled by the extremity of famine to capitulate towards the end of the year. In Lucania too Publius Crassus was defeated by Marcus Lamponius, and compelled to shut himself up in Grumentum, which fell after a long and obstinate siege. With these exceptions, they had been obliged to leave Apulia and the southern districts totally to themselves. The insurrection spread; when Mutilus advanced into Campania at the head of the Samnite army, the citizens of Nola surrendered to him their city and delivered up the Roman garrison, whose commander was executed by the orders of Mutilus, while the men were distributed through the victorious army. With the single exception of Nuceria, which adhered firmly to Rome, all Campania as far as Vesuvius was lost to the Romans; Salernum, Stabiae, Pompeii, Herculaneum declared for the insurgents; Mutilus was able to advance into the region to the north of Vesuvius, and to besiege Acerrae with his Samnito-Lucanian army. The Numidians, who were in great numbers in Caesar's army, began to pass over in troops to Mutilus or rather to Oxyntas, the son of Jugurtha, who on the surrender of Venusia had fallen into the hands of the Samnites and now appeared among their ranks in regal purple; so that Caesar found himself compelled to send home the whole African corps. Mutilus ventured even to attack the Roman camp; but he was repulsed,

Aesernia taken by the insurgents,

as also Nola.

Campania for the most part lost to the Romans.

and the Samnites, who while retreating were assailed in the rear by the Roman cavalry, left nearly 6000 dead on the field of battle. It was the first notable success which the Romans gained in this war; the army proclaimed the general *imperator*, and the sunken courage of the capital began to revive. It is true that not long afterwards the victorious army was attacked in crossing a river by Marius Egnatius, and so emphatically defeated that it had to retreat as far as Teanum and to be reorganized there; but the exertions of the active consul succeeded in restoring his army to a serviceable condition even before the arrival of winter, and he reoccupied his old position under the walls of Acerrae, which the Samnite main army under Mutilus continued to besiege.

Combats with the Marsians.

At the same time operations had also begun in Central Italy, where the revolt of the Abruzzi and the region of the Fucine lake threatened the capital in dangerous proximity. An independent corps under Gnaeus Pompeius Strabo was sent into Picenum in order that, resting for support on Firmum and Falerio, it might threaten Asculum; but the main body of the Roman northern army took its position under the consul Lupus on the borders of the Latin and Marsian territories, where the Valerian and Salarian highways brought the enemy nearest to the capital; the rivulet Tolenus (Turano), which crosses the Valerian road between Tibur and Alba and falls into the Velino at Rieti, separated the two armies. The consul Lupus impatiently pressed for a decision, and did not listen to the disagreeable advice of Marius that he should exercise his men—unaccustomed to service—in the first instance in petty warfare. At the very outset the division of Gaius Perpenna, 10,000 strong, was totally defeated. The commander-in-chief deposed the defeated general from his command and united the remnant of the corps with that which was under the orders of Marius, but did not allow himself to be deterred from

assuming the offensive and crossing the Tolenus in two divisions, led partly by himself, partly by Marius, on two bridges constructed not far from each other. Publius Scato with the Marsians confronted them; he had pitched his camp at the spot where Marius crossed the brook, but, before the passage took place, he had withdrawn thence, leaving behind the mere posts that guarded the camp, and had taken a position in ambush farther up the river. There he attacked the other Roman corps under Lupus unexpectedly during the crossing, and partly cut it down, partly drove it into the river (11th June 664). The consul in person and 8000 of his troops fell. It could scarcely be called a compensation that Marius, becoming at length aware of Scato's departure, had crossed the river and not without loss to the enemy occupied their camp. Yet this passage of the river, and a victory at the same time obtained over the Paelignians by the general Servius Sulpicius, compelled the Marsians to draw their line of defence somewhat back, and Marius, who by decree of the senate succeeded Lupus as commander-in-chief, at least prevented the enemy from gaining further successes. But, when Quintus Caepio was soon afterwards associated in the command with equal powers, not so much on account of a conflict which he had successfully sustained, as because he had recommended himself to the equites then leading the politics of Rome by his vehement opposition to Drusus, he allowed himself to be lured into an ambush by Silo on the pretext that the latter wished to betray to him his army, and was cut to pieces with a great part of his force by the Marsians and Vestinians. Marius, after Caepio's fall once more sole commander-in-chief, through his tenacious resistance prevented his antagonist from profiting by the advantages which he had gained, and gradually penetrated far into the Marsian territory. He long refused battle; when he at length gave it, he vanquished his impetuous opponent, who

90. Defeat and death of Lupus.

left on the battle-field among other dead Herius Asinius the chieftain of the Marrucini. In a second engagement the army of Marius and the corps of Sulla which belonged to the army of the south co-operated to inflict on the Marsians a still more considerable defeat, which cost them 6000 men; but the glory of this day remained with the younger officer, for, while Marius had given and gained the battle, Sulla had intercepted the retreat of the fugitives and destroyed them.

Picenian war.

While the conflict was proceeding thus warmly and with varying success at the Fucine lake, the Picenian corps under Strabo had also fought with alternations of fortune. The insurgent chiefs, Gaius Iudacilius from Asculum, Publius Vettius Scato, and Titus Lafrenius, had assailed it with their united forces, defeated it, and compelled it to throw itself into Firmum, where Lafrenius kept Strabo besieged, while Iudacilius moved into Apulia and induced Canusium, Venusia, and the other towns still adhering to Rome in that quarter to join the insurgents. But on the Roman side Servius Sulpicius by his victory over the Paeligni cleared the way for his advancing into Picenum and rendering aid to Strabo; Lafrenius was attacked by Strabo in front and taken in rear by Sulpicius, and his camp was set on fire; he himself fell, the remnant of his troops fled in disorder and threw themselves into Asculum. So completely had the state of affairs changed in Picenum, that the Italians now found themselves confined to Asculum as the Romans were previously to Firmum, and the war was thus once more converted into a siege.

Umbro-Etruscan conflicts.

Lastly, there was added in the course of the year to the two difficult and straggling wars in southern and central Italy a third in the north. The state of matters apparently so dangerous for Rome after the first months of the war had induced a great portion of the Umbrian, and isolated Etruscan, communities to declare for the insurrec-

tion; so that it became necessary to despatch against the Umbrians Aulus Plotius, and against the Etruscans Lucius Porcius Cato. Here however the Romans encountered a far less energetic resistance than in the Marsian and Samnite countries, and maintained a most decided superiority in the field.

Disadvantageous aggregate result of the first year of the war.

Thus the severe first year of the war came to an end, leaving behind it, both in a military and political point of view, sorrowful memories and dubious prospects. In a military point of view both armies of the Romans, the Marsian as well as the Campanian, had been weakened and discouraged by severe defeats; the northern army had been compelled especially to attend to the protection of the capital, the southern army at Neapolis had been seriously threatened in its communications, as the insurgents could without much difficulty break forth from the Marsian or Samnite territory and establish themselves between Rome and Naples; for which reason it was found necessary to draw at least a chain of posts from Cumae to Rome. In a political point of view, the insurrection had gained ground on all sides during this first year of the war; the secession of Nola, the rapid capitulation of the strong and large Latin colony of Venusia, and the Umbro-Etruscan revolt were suspicious signs that the Roman symmachy was tottering to its very base and was not in a position to hold out against this last trial. They had already made the utmost demands on the burgesses; they had already, with a view to form that chain of posts along the Latino-Campanian coast, incorporated nearly 6000 freedmen in the burgess-militia; they had already required the severest sacrifices from the allies that still remained faithful; it was not possible to draw the string of the bow any tighter without hazarding everything.

Despondency of the Romans.

The temper of the burgesses was singularly depressed. After the battle on the Tolenus, when the dead bodies of

the consul and the numerous citizens of note who had fallen with him were brought back from the neighbouring battle-field to the capital and were buried there; when the magistrates in token of public mourning laid aside their purple and insignia; when the government issued orders to the inhabitants of the capital to arm *en masse*; not a few had resigned themselves to despair and given up all as lost. It is true that the worst despondency had somewhat abated after the victories achieved by Caesar at Acerrae and by Strabo in Picenum: on the news of the former the war-dress in the capital had been once more exchanged for the dress of the citizen, on the news of the second the signs of public mourning had been laid aside; but it was not doubtful that on the whole the Romans had been worsted in this passage of arms: and above all the senate and the burgesses had lost the spirit, which had formerly borne them to victory through all the crises of the Hannibalic war. They still doubtless began war with the same defiant arrogance as then, but they knew not how to end it as they had then done; rigid obstinacy, tenacious persistence had given place to a remiss and cowardly disposition. Already after the first year of war their outward and inward policy became suddenly changed, and betook itself to compromise. There is no doubt that in this they did the wisest thing which could be done; not however because, compelled by the immediate force of arms, they could not avoid acquiescing in disadvantageous conditions, but because the subject-matter of dispute—the perpetuation of the political precedence of the Romans over the other Italians—was injurious rather than beneficial to the commonwealth itself. It sometimes happens in public life that one error compensates another; in this case cowardice in some measure remedied the mischief which obstinacy had incurred.

The year 664 had begun with a most abrupt rejection 90.
of the compromise offered by the insurgents and with the

Revolution in political processes.

opening of a war of prosecutions, in which the most passionate defenders of patriotic selfishness, the capitalists, took vengeance on all those who were suspected of having counselled moderation and seasonable concession. On the other hand the tribune Marcus Plautius Silvanus, who entered on his office on the 10th of December of the same year, carried a law which took the commission of high treason out of the hands of the capitalist jurymen, and entrusted it to other jurymen who were nominated by the free choice of the tribes without class-qualification; the effect of which was, that this commission was converted from a scourge of the moderate party into a scourge of the ultras, and sent into exile among others its own author, Quintus Varius, who was blamed by the public voice for the worst democratic outrages—the poisoning of Quintus Metellus and the murder of Drusus.

Bestowal of the franchise on the Italians who remained faithful or submitted.

Of greater importance than this singularly candid political recantation, was the change in the course of their policy toward the Italians. Exactly three hundred years had passed since Rome had last been obliged to submit to the dictation of peace; Rome was now worsted once more, and the peace which she desired could only be got by yielding in part at least to the terms of her antagonists. With the communities, doubtless, which had already risen in arms to subdue and to destroy Rome, the feud had become too bitter for the Romans to prevail on themselves to make the required concessions; and, had they done so, these terms would now perhaps have been rejected by the other side. But, if the original demands were conceded under certain limitations to the communities that had hitherto remained faithful, such a course would on the one hand preserve the semblance of voluntary concession, while on the other hand it would prevent the otherwise inevitable consolidation of the confederacy and thereby pave the way for its subjugation. Accordingly the gates of Roman citizenship, which

had so long remained closed against entreaty, now suddenly opened when the sword knocked at them; yet even now not fully and wholly, but in a manner reluctant and annoying even for those admitted. A law carried by the consul Lucius Caesar[1] conferred the Roman franchise on the burgesses of all those communities of Italian allies which had not up to that time openly declared against Rome; a second, emanating from the tribunes of the people Marcus Plautius Silvanus and Gaius Papirius Carbo, laid down for every man who had citizenship and domicile in Italy a term of two months, within which he was to be allowed to acquire the Roman franchise by presenting himself before a Roman magistrate. But these new burgesses were to be restricted as to the right of voting in a way similar to the freedmen, inasmuch as they could only be enrolled in eight, as the freedmen only in four, of the thirty-five tribes; whether the restriction was personal or, as it would seem, hereditary, cannot be determined with certainty.

Bestowal of Latin rights on the Italian Celts.

This measure related primarily to Italy proper, which at that time extended northward little beyond Ancona and Florence. In Cisalpine Gaul, which was in the eye of the law a foreign country, but in administration and colonization had long passed as part of Italy, all the Latin colonies were treated like the Italian communities. Otherwise on the south side of the Po the greatest portion of the soil was, after the dissolution of the old Celtic tribal communities, not organized according to the municipal system, but remained withal in the ownership of Roman burgesses mostly dwelling together in market-villages (*fora*). The not numerous allied townships to the south of the Po, particularly Ravenna, as well as the whole country between the Po

[1] The Julian law must have been passed in the last months of 664, for during the good season of the year Caesar was in the field; the Plautian was probably passed, as was ordinarily the rule with tribunician proposals, immediately after the tribunes entered on office, consequently in Dec. 664 or Jan. 665. 90. 90.

and the Alps was, in consequence of a law brought in by
89. the consul Strabo in 665, organized after the Italian urban constitution, so that the communities not adapted for this, more especially the townships in the Alpine valleys, were assigned to particular towns as dependent and tributary villages. These new town-communities, however, were not presented with the Roman franchise, but, by means of the legal fiction that they were Latin colonies, were invested with those rights which had hitherto belonged to the Latin towns of inferior legal position. Thus Italy at that time ended practically at the Po, while the Transpadane country was treated as an outlying dependency. Here to the north of the Po, with the exception of Cremona, Eporedia and Aquileia, there were no burgess or Latin colonies, and even the native tribes here had been by no means dislodged as they were to the south of the Po. The abolition of the Celtic cantonal, and the introduction of the Italian urban, constitution paved the way for the Romanizing of the rich and important territory; this was the first step in the long and momentous transformation of the Gallic stock—which once stood contrasted with Italy, and the assaults of which Italy had rallied to repel—into comrades of their Italian masters.

Considerable as these concessions were, if we compare them with the rigid exclusiveness which the Roman burgess-body had retained for more than a hundred and fifty years, they were far from involving a capitulation with the actual insurgents; they were on the contrary intended partly to retain the communities that were wavering and threatening to revolt, partly to draw over as many deserters as possible from the ranks of the enemy. To what extent these laws and especially the most important of them—that of Caesar—were applied, cannot be accurately stated, as we are only able to specify in general terms the extent of the insurrection at the time when the law was issued. The main matter

at any rate was that the communities hitherto Latin—not only the survivors of the old Latin confederacy, such as Tibur and Praeneste, but more especially the Latin colonies, with the exception of the few that passed over to the insurgents—were thereby admitted to Roman citizenship. Besides, the law was applied to the allied cities that remained faithful in Etruria and especially in Southern Italy, such as Nuceria and Neapolis. It was natural that individual communities, hitherto specially privileged, should hesitate as to the acceptance of the franchise; that Neapolis, for example, should scruple to give up its former treaty with Rome—which guaranteed to its citizens exemption from land-service and their Greek constitution, and perhaps domanial advantages besides—for the restricted rights of new burgesses. It was probably in virtue of conventions concluded on account of these scruples that this city, as well as Rhegium and perhaps other Greek communities in Italy, even after their admission to Roman citizenship retained unchanged their former communal constitution and Greek as their official language. At all events, as a consequence of these laws, the circle of Roman burgesses was extraordinarily enlarged by the merging into it of numerous and important urban communities scattered from the Sicilian Straits to the Po; and, further, the country between the Po and the Alps was, by the bestowal of the best rights of allies, as it were invested with the legal expectancy of full citizenship.

Second year of the war.

On the strength of these concessions to the wavering communities, the Romans resumed with fresh courage the conflict against the insurgent districts. They had pulled down as much of the existing political institutions as seemed necessary to arrest the extension of the conflagration; the insurrection thenceforth at least spread no farther. In Etruria and Umbria especially, where it was just beginning, it was subdued with singular rapidity, still more, probably, by means of the Julian law than through the success of the

Etruria and Umbria tranquillized.

Roman arms. In the former Latin colonies, and in the thickly-peopled region of the Po, there were opened up copious and now trustworthy sources of aid: with these, and with the resources of the burgesses themselves, they could proceed to subdue the now isolated conflagration. The two former commanders-in-chief returned to Rome, Caesar as censor elect, Marius because his conduct of the war was blamed as vacillating and slow, and the man of sixty-six was declared to be in his dotage. This objection was very probably groundless; Marius showed at least his bodily vigour by appearing daily in the circus at Rome, and even as commander-in-chief he seems to have displayed on the whole his old ability in the last campaign; but he had not achieved the brilliant successes by which alone after his political bankruptcy he could have rehabilitated himself in public opinion, and so the celebrated champion was to his bitter vexation now, even as an officer, unceremoniously laid aside as useless. The place of Marius in the Marsian army was taken by the consul of this year, Lucius Porcius Cato, who had fought with distinction in Etruria, and that of Caesar in the Campanian army by his lieutenant, Lucius Sulla, to whom were due some of the most material successes of the previous campaign; Gnaeus Strabo retained—now as consul—the command which he had held so successfully in the Picenian territory.

89. War in Picenum.

Thus began the second campaign in 665. The insurgents opened it, even before winter was over, by the bold attempt—recalling the grand passages of the Samnite wars—to send a Marsian army of 15,000 men to Etruria with a view to aid the insurrection brewing in Northern Italy. But Strabo, through whose district it had to pass, intercepted and totally defeated it; only a few got back to their far distant home. When at length the season allowed the Roman armies to assume the offensive, Cato entered the Marsian territory and advanced, successfully encountering

the enemy there; but he fell in the region of the Fucine lake during an attack on the enemy's camp, so that the exclusive superintendence of the operations in Central Italy devolved on Strabo. The latter employed himself partly in continuing the siege of Asculum, partly in the subjugation of the Marsian, Sabellian, and Apulian districts. To relieve his hard-pressed native town, Iudacilius appeared before Asculum with the Picentine levy and attacked the besieging army, while at the same time the garrison sallied forth and threw itself on the Roman lines. It is said that 75,000 Romans fought on this day against 60,000 Italians. Victory remained with the Romans, but Iudacilius succeeded in throwing himself with a part of the relieving army into the town. The siege resumed its course; it was protracted[1] by the strength of the place and the desperate defence of the inhabitants, who fought with a recollection of the terrible declaration of war within its walls. When Iudacilius at length after a brave defence of several months saw the day of capitulation approach, he ordered the chiefs of that section of the citizens which was favourable to Rome to be put to death under torture, and then died by his own hand. So the gates were opened, and Roman executions were substituted for Italian; all officers and all the respectable citizens were executed, the rest were driven forth to beggary, and all their property was confiscated on account of the state. During the siege and after the fall of Asculum numerous Roman corps marched through the adjacent rebel districts, and induced one after another to submit. The Marrucini yielded, after Servius Sulpicius had defeated them decidedly at Teate (Chieti). The praetor Gaius Cosconius penetrated into Apulia, took Salapia and Cannae, and

Asculum besieged,

and conquered.

Subjugation of the Sabellians and Marsians.

[1] Leaden bullets with the name of the legion which threw them, and sometimes with curses against the "runaway slaves"—and accordingly Roman—or with the inscription "hit the Picentes" or "hit Pompeius"—the former Roman, the latter Italian—are even now sometimes found, belonging to that period, in the region of Ascoli.

besieged Canusium. A Samnite corps under Marius Egnatius came to the help of the unwarlike region and actually drove back the Romans, but the Roman general succeeded in defeating it at the passage of the Aufidus; Egnatius fell, and the rest of the army had to seek shelter behind the walls of Canusium. The Romans again advanced as far as Venusia and Rubi, and became masters of all Apulia. Along the Fucine lake also and at the Majella mountains—the chief seats of the insurrection—the Romans re-established their mastery; the Marsians succumbed to Strabo's lieutenants, Quintus Metellus Pius and Gaius Cinna, the
88. Vestinians and Paelignians in the following year (666) to Strabo himself; Italia the capital of the insurgents became once more the modest Paelignian country-town of Corfinium; the remnant of the Italian senate fled to the Samnite territory.

Subjugation of Campania as far as Nola.

The Roman southern army, which was now under the command of Lucius Sulla, had at the same time assumed the offensive and had penetrated into southern Campania which was occupied by the enemy. Stabiae was taken and
89. destroyed by Sulla in person (30 April 665) and Herculaneum by Titus Didius, who however fell himself (11 June) apparently at the assault on that city. Pompeii resisted longer. The Samnite general Lucius Cluentius came up to bring relief to the town, but he was repulsed by Sulla; and when, reinforced by bands of Celts, he renewed his attempt, he was, chiefly owing to the wavering of these untrustworthy associates, so totally defeated that his camp was taken and he himself was cut down with the greater part of his troops on their flight towards Nola. The grateful Roman army conferred on its general the grass-wreath—the homely badge with which the usage of the camp decorated the soldier who had by his capacity saved a division of his comrades. Without pausing to undertake the siege of Nola and of the other Campanian towns still occupied by the Samnites, Sulla at

once advanced into the interior, which was the head-quarters of the insurrection. The speedy capture and fearful punishment of Aeclanum spread terror throughout the Hirpinian country; it submitted even before the arrival of the Lucanian contingent which had set itself in motion to render help, and Sulla was able to advance unhindered as far as the territory of the Samnite confederacy. The pass, where the Samnite militia under Mutilus awaited him, was turned, the Samnite army was attacked in rear, and defeated; the camp was lost, the general escaped wounded to Aesernia. Sulla advanced to Bovianum, the capital of the Samnite country, and compelled it to surrender by a second victory achieved beneath its walls. The advanced season alone put an end to the campaign there.

Sulla in Samnium.

The position of affairs had undergone a most complete change. Powerful, victorious, aggressive as was the insurrection when it began the campaign of 665, it emerged from it deeply humbled, everywhere beaten, and utterly hopeless. All northern Italy was pacified. In central Italy both coasts were wholly in the Roman power, and the Abruzzi almost entirely; Apulia as far as Venusia, and Campania as far as Nola, were in the hands of the Romans; and by the occupation of the Hirpinian territory the communication was broken off between the only two regions still persevering in open resistance, the Samnite and the Lucano-Bruttian. The field of the insurrection resembled the scene of an immense conflagration dying out; everywhere the eye fell on ashes and ruins and smouldering brands; here and there the flame still blazed up among the ruins, but the fire was everywhere mastered, and there was no further threatening of danger. It is to be regretted that we no longer sufficiently discern in the superficial accounts handed down to us the causes of this sudden revolution. While undoubtedly the dexterous leadership of Strabo and still more of Sulla, and especially the more

The insurrection on the [89. whole overpowered.

energetic concentration of the Roman forces, and their more rapid offensive contributed materially to that result, political causes may have been at work along with the military in producing the singularly rapid fall of the power of the insurgents; the law of Silvanus and Carbo may have fulfilled its design in carrying defection and treason to the common cause into the ranks of the enemy; and misfortune, as has so frequently happened, may have fallen as an apple of discord among the loosely-connected insurgent communities.

Perseverance of the Samnites.

We see only—and this fact points to an internal breaking up of Italia, that must certainly have been attended by violent convulsions—that the Samnites, perhaps under the leadership of the Marsian Quintus Silo who had been from the first the soul of the insurrection and after the capitulation of the Marsians had gone as a fugitive to the neighbouring people, now assumed another organization purely confined to their own land, and, after "Italia" was vanquished, undertook to continue the struggle as "Safini" or Samnites.[1] The strong Aesernia was converted from the fortress that had curbed, into the last retreat that sheltered, Samnite freedom; an army assembled consisting, it was said, of 30,000 infantry and 1000 cavalry, and was strengthened by the manumission and incorporation of 20,000 slaves; five generals were placed at its head, among whom Silo was the first and Mutilus next to him. With astonishment men saw the Samnite wars beginning anew after a pause of two hundred years, and the resolute nation of farmers making a fresh attempt, just as in the fifth century, after the Italian confederation was shattered, to force Rome with their own hand to recognize their country's independence. But this resolution of the bravest despair

[1] The rare *denarii* with *Safinim* and *G. Mutil* in Oscan characters must belong to this period; for, as long as the designation *Italia* was retained by the insurgents, no single canton could, as a sovereign power, coin money with its own name.

made not much change in the main result; although the mountain-war in Samnium and Lucania might still require some time and some sacrifices, the insurrection was nevertheless already substantially at an end.

Outbreak of the Mithradatic war.

In the meanwhile, certainly, there had occurred a fresh complication, for the Asiatic difficulties had rendered it imperatively necessary to declare war against Mithradates king of Pontus, and for next year (666) to destine the one consul and a consular army to Asia Minor. Had this war broken out a year earlier, the contemporary revolt of the half of Italy and of the most important of the provinces would have formed an immense peril to the Roman state. Now that the marvellous good fortune of Rome had once more been evinced in the rapid collapse of the Italian insurrection, this Asiatic war just beginning was, notwithstanding its being mixed up with the expiring Italian struggle, not of a really dangerous character; and the less so, because Mithradates in his arrogance refused the invitation of the Italians that he should afford them direct assistance. Still it was in a high degree inconvenient. The times had gone by, when they without hesitation carried on simultaneously an Italian and a transmarine war, the state-chest was already after two years of warfare utterly exhausted, and the formation of a new army in addition to that already in the field seemed scarcely practicable. But they resorted to such expedients as they could. The sale of the sites that had from ancient times (i. 137) remained unoccupied on and near the citadel to persons desirous of building, which yielded 9000 pounds of gold (£360,000), furnished the requisite pecuniary means. No new army was formed, but that which was under Sulla in Campania was destined to embark for Asia, as soon as the state of things in southern Italy should allow its departure; which might be expected, from the progress of the army operating in the north under Strabo, to happen soon.

88.

88. So the third campaign in 666 began amidst favourable prospects for Rome. Strabo put down the last resistance which was still offered in the Abruzzi. In Apulia the successor of Cosconius, Quintus Metellus Pius, son of the conqueror of Numidia and not unlike his father in his strongly conservative views as well as in military endowments, put an end to the resistance by the capture of Venusia, at which 3000 armed men were taken prisoners. In Samnium Silo no doubt succeeded in retaking Bovianum; but in a battle, in which he engaged the Roman general Mamercus Aemilius, the Romans conquered, and—what was more important than the victory itself—Silo was among the 6000 dead whom the Samnites left on the field. In Campania the smaller townships, which the Samnites still occupied, were wrested from them by Sulla, and Nola was invested. The Roman general Aulus Gabinius penetrated also into Lucania and gained no small advantages; but, after he had fallen in an attack on the enemy's camp, Lamponius the insurgent leader and his followers once more held almost undisturbed command over the wide and desolate Lucano-Bruttian country. He even made an attempt to seize Rhegium, which was frustrated, however, by the Sicilian governor Gaius Norbanus. Notwithstanding isolated mischances the Romans were constantly drawing nearer to the attainment of their end; the fall of Nola, the submission of Samnium, the possibility of rendering considerable forces available for Asia appeared no longer distant, when the turn taken by affairs in the capital unexpectedly gave fresh life to the well-nigh extinguished insurrection.

Third campaign.

Capture of Venusia.

Fall of Silo.

Ferment in Rome. Rome was in a fearful ferment. The attack of Drusus upon the equestrian courts and his sudden downfall brought about by the equestrian party, followed by the two-edged Varian warfare of prosecutions, had sown the bitterest discord between the aristocracy and the *bourgeoisie* as well

as between the moderates and the ultras. Events had completely justified the party of concession; what it had proposed voluntarily to bestow, men had been more than half compelled to concede; but the mode in which the concession was made bore, just like the earlier refusal, the stamp of obstinate and shortsighted envy. Instead of granting equality of rights to all Italian communities, they had only expressed the inferiority in another form. They had received a great number of Italian communities into Roman citizenship, but had attached to what they thus conferred an offensive stigma, by placing the new burgesses alongside of the old on nearly the same footing as the freedmen occupied alongside of the freeborn. They had irritated rather than pacified the communities between the Po and the Alps by the concession of Latin rights. Lastly, they had withheld the franchise from a considerable, and that not the worst, portion of the Italians—the whole of the insurgent communities which had again submitted; and not only so, but, instead of legally re-establishing the former treaties annulled by the insurrection, they had at most renewed them as a matter of favour and subject to revocation at pleasure.[1] The disability as regarded the right of

The bestowal of the franchise and its limitations.

[1] Licinianus (p. 15) under the year 667 says: *dediticiis omnibus* 87.
[ci]vita[s] data; qui polliciti mult[a] milia militum vix XV . . . cohortes miserunt; a statement in which Livy's account (*Epit.* 80): *Italicis populis a senatu civitas data est* reappears in a somewhat more precise shape. The *dediticii* were according to Roman state-law those *peregrini liberi* (Gaius i. 13-15, 25, Ulp. xx. 14, xxii. 2) who had become subject to the Romans and had not been admitted to alliance. They not merely retain life, liberty, and property, but may be formed into communities with a constitution of their own. Ἀπόλιδες, *nullius certae civitatis cives* (Ulp. xx. 14; comp. Dig. xlviii. 19, 17, 1), were only the freedmen placed by legal fiction on the same footing with the *dediticii* (*ii qui dediticiorum numero sunt*, only by erroneous usage and rarely by the better authors called directly *dediticii*; Gai. i. 12, Ulp. i. 14, Paul. iv. 12, 6) as well as the kindred *liberti Latini Iuniani.* But the *dediticii* nevertheless were destitute of rights as respected the Roman state, in so far as by Roman state-law every *deditio* was necessarily unconditional (Polyb. xxi. 1; comp. xx. 9, 10, xxxvi. 2) and all the privileges expressly or tacitly conceded to them were conceded only *precario* and therefore revocable at pleasure (Appian, *Hisp.* 44); so that the Roman state, what-

voting gave the deeper offence, that it was—as the comitia were then constituted—politically absurd, and the hypocritical care of the government for the unstained purity of the electors appeared to every unprejudiced person ridiculous; but all these restrictions were dangerous, inasmuch as they invited every demagogue to carry his ulterior objects by taking up the more or less just demands of the new burgesses and of the Italians excluded from the franchise.

Secondary effect of the political prosecutions.

While accordingly the more clear-seeing of the aristocracy could not but find these partial and grudging concessions as inadequate as did the new burgesses and the excluded themselves, they further painfully felt the absence from their ranks of the numerous and excellent men whom the Varian commission of high treason had exiled, and whom it was the more difficult to recall because they had been condemned by the verdict not of the people but of the jury-courts; for, while there was little hesitation as to cancelling a decree of the people even of a judicial character by means of a second, the cancelling of a verdict of jurymen by the people appeared to the better portion of the

ever it might immediately or afterwards decree regarding its *dediticii*, could never perpetrate as respected them a violation of rights. This destitution of rights only ceased on the conclusion of a treaty of alliance (Liv. xxxiv. 57). Accordingly *deditio* and *foedus* appear in constitutional law as contrasted terms excluding each other (Liv. iv. 30, xxviii. 34; Cod. Theod. vii. 13, 16 and Gothofr. thereon), and of precisely the same nature is the distinction current among the jurists between the *quasi-dediticii* and the *quasi Latini*,.for the Latins are just the *foederati* in an eminent sense (Cic. *pro Balb.* 24, 54).

According to the older constitutional law there were, with the exception of the not numerous communities that were declared to have forfeited their treaties in consequence of the Hannibalic war (p. 24), no Italian *dediticii;* in
90-89. the Plautian law of 664–5 the description: *qui foederatis civitatibus adscripti fuerunt* (Cic. *pro Arch.* 4, 7) still included in substance all Italians.
87. But as the *dediticii* who received the franchise supplementarily in 667 cannot reasonably be understood as embracing merely the Bruttii and Picentes, we may assume that all the insurgents, so far as they had laid down their arms and had not acquired the franchise under the Plautio-Papirian law, were treated as *dediticii*, or—which is the same thing—that their treaties cancelled as a matter of course by the insurrection (hence *qui foederati* FUERUNT in the passage of Cicero cited) were not legally renewed to them on their surrender.

aristocracy as a very dangerous precedent. Thus neither the ultras nor the moderates were content with the issue of the Italian crisis. But still deeper indignation swelled the heart of the old man, who had gone forth to the Italian war with freshened hopes and had come back from it reluctantly, with the consciousness of having rendered new services and of having received in return new and most severe mortifications, with the bitter feeling of being no longer dreaded but despised by his enemies, with that gnawing spirit of vengeance in his heart, which feeds on its own poison. It was true of him also, as of the new burgesses and the excluded; incapable and awkward as he had shown himself to be, his popular name was still a formidable weapon in the hand of a demagogue. Marius.

With these elements of political convulsion was combined the rapidly spreading decay of decorous soldierly habits and of military discipline. The seeds, which were sown by the enrolment of the proletariate in the army, developed themselves with alarming rapidity during the demoralizing insurrectionary war, which compelled Rome to admit to the service every man capable of bearing arms without distinction, and which above all carried political partizanship directly into the headquarters and into the soldiers' tent. The effects soon appeared in the slackening of all the bonds of the military hierarchy. During the siege of Pompeii the commander of the Sullan besieging corps, the consular Aulus Postumius Albinus, was put to death with stones and bludgeons by his soldiers, who believed themselves betrayed by their general to the enemy; and Sulla the commander-in-chief contented himself with exhorting the troops to efface the memory of that occurrence by their brave conduct in presence of the enemy. The authors of that deed were the marines, from of old the least respectable of the troops. A division of legionaries raised chiefly from the city populace soon Decay of military discipline.

followed the example thus given. Instigated by Gaius Titius, one of the heroes of the market-place, it laid hands on the consul Cato. By an accident he escaped death on this occasion; Titius was arrested, but was not punished. When Cato soon afterwards actually perished in a combat, his own officers, and particularly the younger Gaius Marius, were—whether justly or unjustly, cannot be ascertained—designated as the authors of his death.

Economic crisis.

To the political and military crisis thus beginning fell to be added the economic crisis—perhaps still more terrible—which set in upon the Roman capitalists in consequence of the Social war and the Asiatic troubles. The debtors, unable even to raise the interest due and yet inexorably pressed by their creditors, had on the one hand entreated from the proper judicial authority, the urban praetor Asellio, a respite to enable them to dispose of their possessions, and on the other hand had searched out once more the old obsolete laws as to usury (i. 389) and, according to the rule established in olden times, had sued their creditors for fourfold the amount of the interest paid to them contrary to the law. Asellio lent himself to bend the actually existing law into conformity with the letter, and put into shape in the usual way the desired actions for interest; whereupon the offended creditors assembled in the Forum under the leadership of the tribune of the people Lucius Cassius, and attacked and killed the praetor in front of the temple of Concord, just as in his priestly robes he was presenting a sacrifice—an outrage which was not even made a subject of investigation (665). On the other hand it was said in the circles of the debtors, that the suffering multitude could not be relieved otherwise than by "new account-books," that is, by legally cancelling the claims of all creditors against all debtors. Matters stood again exactly as they had stood during the strife of the orders; once more the capitalists in league with the prejudiced

Murder of Asellio.

89.

aristocracy made war against, and prosecuted, the oppressed multitude and the middle party which advised a modification of the rigour of the law; once more Rome stood on the verge of that abyss into which the despairing debtor drags his creditor along with him. Only, since that time the simple civil and moral organization of a great agricultural city had been succeeded by the social antagonisms of a capital of many nations, and by that demoralization in which the prince and the beggar meet; now all incongruities had come to be on a broader, more abrupt, and fearfully grander scale. When the Social war brought all the political and social elements fermenting among the citizens into collision with each other, it laid the foundation for a new revolution. An accident led to its outbreak.

The Sulpician laws. [88

It was the tribune of the people Publius Sulpicius Rufus who in 666 proposed to the burgesses to declare that every senator, who owed more than 2000 *denarii* (£82), should forfeit his seat in the senate; to grant to the burgesses condemned by non-free jury courts liberty to return home; to distribute the new burgesses among all the tribes, and likewise to allow the right of voting in all tribes to the freedmen. They were proposals which from the mouth of such a man were at least somewhat surprising. Publius Sulpicius Rufus (born in 630) owed his political importance not so much to his noble birth, his important connections, and his hereditary wealth, as to his remarkable oratorical talent, in which none of his contemporaries equalled him. His powerful voice, his lively gestures sometimes bordering on theatrical display, the luxuriant copiousness of his flow of words arrested, even if they did not convince, his hearers. As a partisan he was from the outset on the side of the senate, and his first public appearance (659) had been the impeachment of Norbanus who was mortally hated by the government party (p. 478). Among the conservatives he belonged to the section of Crassus and Drusus. We do

Sulpicius Rufus. 124.

95.

not know what primarily gave occasion to his soliciting the
88. tribuneship of the people for 666, and on its account renouncing his patrician nobility; but he seems to have been by no means rendered a revolutionist through the fact that he, like the whole middle party, had been persecuted as revolutionary by the conservatives, and to have by no means intended an overthrow of the constitution in the sense of Gaius Gracchus. It would rather seem that, as the only man of note belonging to the party of Crassus and Drusus who had come forth uninjured from the storm of the Varian prosecutions, he felt himself called on to complete the work of Drusus and finally to set aside the still subsisting disabilities of the new burgesses—for which purpose he needed the tribunate. Several acts of his even during his tribuneship are mentioned, which betray the very opposite of demagogic designs. For instance, he prevented by his veto one of his colleagues from cancelling through a decree of the people the sentences of jurymen issued under the Varian law; and when the late aedile Gaius Caesar, passing over the praetorship, unconstitutionally
87. became a candidate for the consulship for 667, with the design, it was alleged, of getting the charge of the Asiatic war afterwards entrusted to him, Sulpicius opposed him more resolutely and sharply than any one else. Entirely in the spirit of Drusus, he thus demanded from himself as from others primarily and especially the maintenance of the constitution. But in fact he was as little able as was Drusus to reconcile things that were incompatible, and to carry out in strict form of law the change of the constitution which he had in view—a change judicious in itself, but never to be obtained from the great majority of the old burgesses by amicable means. His breach with the powerful family of the Julii—among whom in particular the consular Lucius Caesar, the brother of Gaius, was very influential in the senate—and with the section of the

aristocracy adhering to it, beyond doubt materially co-operated and carried the irascible man through personal exasperation beyond his original design.

Yet the proposals brought in by him were of such a nature as to be by no means out of keeping with the personal character and the previous party-position of their author. The equalization of the new burgesses with the old was simply a partial resumption of the proposals drawn up by Drusus in favour of the Italians; and, like these, only carried out the requirements of a sound policy. The recall of those condemned by the Varian jurymen no doubt sacrificed the principle of the inviolability of such a sentence, in defence of which Sulpicius himself had just practically interposed; but it mainly benefited in the first instance the members of the proposer's own party, the moderate conservatives, and it may be very well conceived that so impetuous a man might when first coming forward decidedly combat such a measure and then, indignant at the resistance which he encountered, propose it himself. The measure against the insolvency of senators was doubtless called forth by the exposure of the economic condition of the ruling families—so deeply embarrassed notwithstanding all their outward splendour—on occasion of the last financial crisis. It was painful doubtless, but yet of itself conducive to the rightly understood interest of the aristocracy, if, as could not but be the effect of the Sulpician proposal, all individuals should withdraw from the senate who were unable speedily to meet their liabilities, and if the coterie-system, which found its main support in the insolvency of many senators and their consequent dependence on their wealthy colleagues, should be checked by the removal of the notoriously venal pack of the senators. At the same time, of course, we do not mean to deny that such a purification of the senate-house so abruptly and invidiously exposing the senate, as Rufus proposed, would

Tendency of these laws.

certainly never have been proposed without his personal quarrels with the ruling coterie-heads. Lastly, the regulation in favour of the freedmen had undoubtedly for its primary object to make its proposer master of the street; but in itself it was neither unwarranted nor incompatible with the aristocratic constitution. Since the freedmen had begun to be drawn upon for military service, their demand for the right of voting was so far justified, as the right of voting and the obligation of service had always gone hand in hand. Moreover, looking to the nullity of the comitia, it was politically of very little moment whether one sewer more emptied itself into that slough. The difficulty which the oligarchy felt in governing with the comitia was lessened rather than increased by the unlimited admission of the freedmen, who were to a very great extent personally and financially dependent on the ruling families and, if rightly used, might quite furnish the government with a means of controlling the elections more thoroughly than before. This measure certainly, like every other political favour shown to the proletariate, ran counter to the tendencies of the aristocracy friendly to reform; but it was for Rufus hardly anything else than what the corn-law had been for Drusus—a means of drawing the proletariate over to his side and of breaking down with its aid the opposition against the truly beneficial reforms which he meditated. It was easy to foresee that this opposition would not be slight; that the narrow-minded aristocracy and the narrow-minded *bourgeoisie* would display the same stupid jealousy after the subduing of the insurrection as they had displayed before its outbreak; that the great majority of all parties would secretly or even openly characterize the partial concessions made at the moment of the most formidable danger as unseasonable compliances, and would passionately resist every attempt to extend them. The example of Drusus had shown what came of undertaking to carry

conservative reforms solely in reliance on the majority of the senate; it was a course quite intelligible, that his friend who shared his views should attempt to carry out kindred designs in opposition to that majority and under the forms of demagogism. Rufus accordingly gave himself no trouble to gain the senate over to his views by the bait of the jury courts. He found a better support in the freedmen and above all in the armed retinue—consisting, according to the report of his opponents, of 3000 hired men and an "opposition-senate" of 600 young men from the better class—with which he appeared in the streets and in the Forum.

Resistance of the government.

His proposals accordingly met with the most decided resistance from the majority of the senate, which first, to gain time, induced the consuls Lucius Cornelius Sulla and Quintus Pompeius Rufus, both declared opponents of demagogism, to enjoin extraordinary religious observances, during which the popular assemblies were suspended.

Riots.

Sulpicius replied by a violent tumult, in which among other victims the young Quintus Pompeius, son of the one and son-in-law of the other consul, met his death and the lives of both consuls themselves were seriously threatened —Sulla is said even to have escaped only by Marius opening to him his house. They were obliged to yield; Sulla agreed to countermand the announced solemnities, and the Sulpician proposals now passed without further difficulty. But this was far from determining their fate. Though the aristocracy in the capital might own its defeat, there was now—for the first time since the commencement of the revolution—yet another power in Italy which could not be overlooked, viz. the two strong and victorious armies of the proconsul Strabo and the consul Sulla.

Position of Sulla.

The political position of Strabo might be ambiguous, but Sulla, although he had given way to open violence for the moment, was on the best terms with the majority of the

senate; and not only so, but he had, immediately after countermanding the solemnities, departed for Campania to join his army. To terrify the unarmed consul by bludgeonmen or the defenceless capital by the swords of the legions, amounted to the same thing in the end: Sulpicius assumed that his opponent, now when he could, would requite violence with violence and return to the capital at the head of his legions to overthrow the conservative demagogue and his laws along with him. Perhaps he was mistaken. Sulla was just as eager for the war against Mithradates as he was probably averse to the political exhalations of the capital; considering his original spirit of indifference and his unrivalled political nonchalance, there is great probability that he by no means intended the *coup d'état* which Sulpicius expected, and that, if he had been let alone, he would have embarked without delay with his troops for Asia so soon as he had captured Nola, with the siege of which he was still occupied.

Marius nominated commander-in-chief in Sulla's stead.

But, be this as it might, Sulpicius, with a view to parry the presumed blow, conceived the scheme of taking the supreme command from Sulla; and for this purpose joined with Marius, whose name was still sufficiently popular to make a proposal to transfer to him the chief command in the Asiatic war appear plausible to the multitude, and whose military position and ability might prove a support in the event of a rupture with Sulla. Sulpicius probably did not overlook the danger involved in placing that old man—not less incapable than vengeful and ambitious—at the head of the Campanian army, and as little the scandalous irregularity of entrusting an extraordinary supreme command by decree of the people to a private man; but the very tried incapacity of Marius as a statesman gave a sort of guarantee that he would not be able seriously to endanger the constitution, and above all the personal position of Sulpicius, if he formed a correct estimate of Sulla's designs,

was one of so imminent peril that such considerations could hardly be longer heeded. That the worn-out hero himself readily met the wishes of any one who would employ him as a *condottiere*, was a matter of course; his heart had now for many years longed for the command in an Asiatic war, and not less perhaps for an opportunity of once settling accounts thoroughly with the majority of the senate. Accordingly on the proposal of Sulpicius Gaius Marius was by decree of the people invested with extraordinary supreme, or as it was called proconsular, power, and obtained the command of the Campanian army and the superintendence of the war against Mithradates; and two tribunes of the people were despatched to the camp at Nola, to take over the army from Sulla.

Sulla's recall.

Sulla was not the man to yield to such a summons. If any one had a vocation to the chief command in the Asiatic war, it was Sulla. He had a few years before commanded with the greatest success in the same theatre of war; he had contributed more than any other man to the subjugation of the dangerous Italian insurrection; as consul of the year in which the Asiatic war broke out, he had been invested with the command in it after the customary way and with the full consent of his colleague, who was on friendly terms with him and related to him by marriage. It was expecting a great deal to suppose that he would, in accordance with a decree of the sovereign burgesses of Rome, give up a command undertaken in such circumstances to an old military and political antagonist, in whose hands the army might be turned to none could tell what violent and preposterous proceedings. Sulla was neither good-natured enough to comply voluntarily with such an order, nor dependent enough to need to do so. His army was—partly in consequence of the alterations of the military system which originated with Marius, partly from the moral laxity and the military strictness of its discipline in

the hands of Sulla—little more than a body of mercenaries absolutely devoted to their leader and indifferent to political affairs. Sulla himself was a hardened, cool, and clear-headed man, in whose eyes the sovereign Roman burgesses were a rabble, the hero of Aquae Sextiae a bankrupt swindler, formal legality a phrase, Rome itself a city without a garrison and with its walls half in ruins, which could be far more easily captured than Nola.

Sulla's march on Rome.

On these views he acted. He assembled his soldiers—there were six legions, or about 35,000 men—and explained to them the summons that had arrived from Rome, not forgetting to hint that the new commander-in-chief would undoubtedly lead to Asia Minor not the army as it stood, but another formed of fresh troops. The superior officers, who still had more of the citizen than the soldier, kept aloof, and only one of them followed the general towards the capital; but the soldiers, who in accordance with earlier experiences (p. 42) hoped to find in Asia an easy war and endless booty, were furious; in a moment the two tribunes that had come from Rome were torn in pieces, and from all sides the cry arose that the general should lead them to Rome. Without delay the consul started, and forming a junction with his like-minded colleague by the way, he arrived by quick marches—little troubling himself about the deputies who hastened from Rome to meet and attempted to detain him—beneath the walls of the capital. Suddenly the Romans beheld columns of Sulla's army take their station at the bridge over the Tiber and at the Colline and Esquiline gates; and then two legions in battle array, with their standards at their head, passed the sacred ring-wall within which the law had forbidden war to enter. Many a worse quarrel, many an important feud had been brought to a settlement within those walls, without any need for a Roman army breaking the sacred peace of the city; that step was now taken, primarily for the sake of the

miserable question whether this or that officer was called to command in the east.

Rome occupied.

The entering legions advanced as far as the height of the Esquiline; when the missiles and stones descending in showers from the roofs made the soldiers waver and they began to give way, Sulla himself brandished a blazing torch, and with firebrands and threats of setting the houses on fire the legions cleared their way to the Esquiline market-place (not far from S. Maria Maggiore). There the force hastily collected by Marius and Sulpicius awaited them, and by its superior numbers repelled the first invading columns. But reinforcements came up from the gates; another division of the Sullans made preparations for turning the defenders by the street of the Subura; the latter were obliged to retire. At the temple of Tellus, where the Esquiline begins to slope towards the great Forum, Marius attempted once more to make a stand; he adjured the senate and equites and all the citizens to throw themselves across the path of the legions. But he himself had transformed them from citizens to mercenaries; his own work turned against him: they obeyed not the government, but their general. Even when the slaves were summoned to arm under the promise of freedom, not more than three of them appeared. Nothing remained for the leaders but to escape in all haste through the still unoccupied gates; after a few hours Sulla was absolute master of Rome. That night the watchfires of the legions blazed in the great market-place of the capital.

First Sullan restoration.

The first military intervention in civil feuds had made it quite evident, not only that the political struggles had reached the point at which nothing save open and direct force proves decisive, but also that the power of the bludgeon was of no avail against the power of the sword. It was the conservative party which first drew the sword, and which accordingly in due time experienced the truth of

the ominous words of the Gospel as to those who first have recourse to it. For the present it triumphed completely and might put the victory into formal shape at its pleasure. As a matter of course, the Sulpician laws were characterized as legally null. Their author and his most notable adherents had fled; they were, twelve in number, proscribed by the senate for arrest and execution as enemies of their country.

Death of Sulpicius.

Publius Sulpicius was accordingly seized at Laurentum and put to death; and the head of the tribune, sent to Sulla, was by his orders exposed in the Forum at the very rostra where he himself had stood but a few days before in the full vigour of youth and eloquence. The rest of the proscribed were pursued; the assassins were on the track

Flight of Marius.

of even the old Gaius Marius. Although the general might have clouded the memory of his glorious days by a succession of pitiful proceedings, now that the deliverer of his country was running for his life, he was once more the victor of Vercellae, and with breathless suspense all Italy listened to the incidents of his marvellous flight. At Ostia he had gone on board a transport with the view of sailing for Africa; but adverse winds and want of provisions compelled him to land at the Circeian promontory and to wander at random. With few attendants and without trusting himself under a roof, the grey-haired consular, often suffering from hunger, found his way on foot to the neighbourhood of the Roman colony of Minturnae at the mouth of the Garigliano. There the pursuing cavalry were seen in the distance; with great difficulty he reached the shore, and a trading-vessel lying there withdrew him from his pursuers; but the timid mariners soon put him ashore again and made off, while Marius stole along the beach. His pursuers found him in the salt-marsh of Minturnae sunk to the girdle in the mud and with his head concealed amidst a quantity of reeds, and delivered him to the civic authorities of Minturnae. He was placed in prison, and

the town-executioner, a Cimbrian slave, was sent to put him to death; but the German trembled before the flashing eyes of his old conqueror and the axe fell from his hands, when the general with his powerful voice haughtily demanded whether he dared to kill Gaius Marius. When they learned this, the magistrates of Minturnae were ashamed that the deliverer of Rome should meet with greater reverence from slaves to whom he had brought bondage than from his fellow-citizens to whom he had brought freedom; they loosed his fetters, gave him a vessel and money for travelling expenses, and sent him to Aenaria (Ischia). The proscribed with the exception of Sulpicius gradually met in those waters; they landed at Eryx and at what was formerly Carthage, but the Roman magistrates both in Sicily and in Africa sent them away. So they escaped to Numidia, whose desert sand-dunes gave them a place of refuge for the winter. But the king Hiempsal II., whom they hoped to gain and who had seemed for a while willing to unite with them, had only done so to lull them into security, and now attempted to seize their persons. With great difficulty the fugitives escaped from his cavalry, and found a temporary refuge in the little island of Cercina (Kerkena) on the coast of Tunis. We know not whether Sulla thanked his fortunate star that he had been spared the odium of putting to death the victor of the Cimbrians; at any rate it does not appear that the magistrates of Minturnae were punished.

Legislation of Sulla.

With a view to remove existing evils and to prevent future revolutions, Sulla suggested a series of new legislative enactments. For the hard-pressed debtors nothing seems to have been done, except that the rules as to the maximum of interest were enforced;[1] directions moreover were given

[1] It is not clear, what the *lex unciaria* of the consuls Sulla and Rufus in the year 666 prescribed in this respect; but the simplest hypothesis is that which regards it as a renewal of the law of 397 (i. 364), so that the highest allowable rate of interest was again $\frac{1}{12}$th of the capital for the year of ten months or 10 per cent for the year of twelve months. 88. 357.

for the sending out of a number of colonies. The senate which had been greatly thinned by the battles and prosecutions of the Social war was filled up by the admission of 300 new senators, who were naturally selected in the interest of the Optimates. Lastly, material changes were adopted in respect to the mode of election and the initiative of legislation. The old Servian arrangement for voting in the centuriate comitia, under which the first class, with an estate of 100,000 sesterces (£1000) or upwards, alone possessed almost half of the votes, again took the place of the arrange-
241. ments introduced in 513 to mitigate the preponderance of the first class (p. 50 *f.*). Practically there was thus introduced for the election of consuls, praetors, and censors, a census which really excluded the non-wealthy from exercising the suffrage. The legislative initiative in the case of the tribunes of the people was restricted by the rule, that every proposal had henceforth to be submitted by them in the first instance to the senate and could only come before the people in the event of the senate approving it.

These enactments which were called forth by the Sulpician attempt at revolution from the man who then came forward as the shield and sword of the constitutional party—the consul Sulla—bear an altogether peculiar character. Sulla ventured, without consulting the burgesses or jurymen, to pronounce sentence of death on twelve of the most distinguished men, including magistrates actually in office and the most famous general of his time, and publicly to defend these proscriptions; a violation of the venerable and sacred laws of appeal, which met with severe censure even from very conservative men, such as Quintus Scaevola. He ventured to overthrow an arrangement as to the elections which had subsisted for a century and a half, and to re-establish the electoral census which had been long obsolete and proscribed. He ventured practically to withdraw the right of legislation from its two primitive factors, the magistrates

and the comitia, and to transfer it to a board which had at no time possessed formally any other privilege in this respect than that of being asked for its advice (i. 408). Hardly had any democrat ever exercised justice in forms so tyrannical, or disturbed and remodelled the foundations of the constitution with so reckless an audacity, as this conservative reformer. But if we look at the substance instead of the form, we reach very different results. Revolutions have nowhere ended, and least of all in Rome, without demanding a certain number of victims, who under forms more or less borrowed from justice atone for the fault of being vanquished as though it were a crime. Any one who recalls the succession of prosecutions carried on by the victorious party after the fall of the Gracchi and Saturninus (pp. 326, 369, 475) will be inclined to yield to the victor of the Esquiline market the praise of candour and comparative moderation, in so far as, first he without ceremony accepted as war what was really such and proscribed the men who were defeated as enemies beyond the pale of the law, and, secondly, he limited as far as possible the number of victims and allowed at least no offensive outbreak of fury against inferior persons. A similar moderation appears in the political arrangements. The innovation as respects legislation—the most important and apparently the most comprehensive—in fact only brought the letter of the constitution into harmony with its spirit. The Roman legislation, under which any consul, praetor, or tribune could propose to the burgesses any measure at pleasure and bring it to the vote without debate, had from the first been irrational and had become daily more so with the growing nullity of the comitia; it was only tolerated, because in practice the senate had claimed for itself the right of previous deliberation and regularly crushed any proposal, if put to the vote without such previous deliberation, by means of the political or religious veto (i. 405). The revolution had swept away these barriers; and in

consequence that absurd system now began fully to develop its results, and to put it in the power of any petulant knave to overthrow the state in due form of law. What was under such circumstances more natural, more necessary, more truly conservative, than now to recognize formally and expressly the legislation of the senate to which effect had been hitherto given by a circuitous process? Something similar may be said of the renewal of the electoral census. The earlier constitution was throughout based on it; even the reform
241. of 513 had merely restricted the privileges of the men of wealth. But since that year there had occurred an immense financial revolution, which might well justify a raising of the electoral census. The new timocracy thus changed the letter of the constitution only to remain faithful to its spirit, while it at the same time in the mildest possible form attempted at least to check the disgraceful purchase of votes with all the evils therewith connected. Lastly, the regulations in favour of debtors and the resumption of the schemes of colonization gave express proof that Sulla, although not disposed to approve the impetuous proposals of Sulpicius, was yet, like Sulpicius and Drusus and all the more far-seeing aristocrats in general, favourable to material reforms in themselves; as to which we may not overlook the circumstance, that he proposed these measures after the victory and entirely of his own free will. If we combine with such considerations the fact, that Sulla allowed the principal foundations of the Gracchan constitution to stand and disturbed neither the equestrian courts nor the largesses of grain, we shall find warrant for the opinion that the Sullan
88. arrangement of 666 substantially adhered to the *status quo* subsisting since the fall of Gaius Gracchus; he merely, on the one hand, altered as the times required the traditional rules that primarily threatened danger to the existing government, and, on the other hand, sought to remedy according to his power the existing social evils, so far as either could

be done without touching ills that lay deeper. Emphatic contempt for constitutional formalism in connection with a vivid appreciation of the intrinsic value of existing arrangements, clear perceptions, and praiseworthy intentions mark this legislation throughout. But it bears also a certain frivolous and superficial character; it needed in particular a great amount of good nature to believe that the fixing a maximum of interest would remedy the confused relations of credit, and that the right of previous deliberation on the part of the senate would prove more capable of resisting future demagogism than the right of veto and religion had previously been.

New complications.

In reality new clouds very soon began to overcast the clear sky of the conservatives. The relations of Asia assumed daily a more threatening character. The state had already suffered the utmost injury through the delay which the Sulpician revolution had occasioned in the departure of the army for Asia; the embarkation could on no account be longer postponed. Meanwhile Sulla hoped to leave behind him guarantees against a new assault on the oligarchy in Italy, partly in the consuls who would be elected under the new electoral arrangement, partly and especially in the armies employed in suppressing the remains of the Italian insurrection. In the consular comitia, however, the choice did not fall on the candidates set up by Sulla, but Lucius Cornelius Cinna, who belonged to the most determined opposition, was associated with Gnaeus Octavius, a man certainly of strictly Optimate views. It may be presumed that it was chiefly the capitalist party, which by this choice retaliated on the author of the law as to interest. Sulla accepted the unpleasant election with the declaration that he was glad to see the burgesses making use of their constitutional liberty of choice, and contented himself with exacting from both consuls an oath that they would faithfully

Cinna.

observe the existing constitution. Of the armies, the one on which the matter chiefly depended was that of the north, as the greater part of the Campanian army was destined to depart for Asia. Sulla got the command of the former entrusted by decree of the people to his devoted colleague Quintus Rufus, and procured the recall of the former general Gnaeus Strabo in such a manner as to spare as far as possible his feelings—the more so, because the latter belonged to the equestrian party and his passive attitude during the Sulpician troubles had occasioned no small anxiety to the aristocracy. Rufus arrived at the army and took the chief command in Strabo's stead; but a few days afterwards he was killed by the soldiers, and Strabo returned to the command which he had hardly abdicated. He was regarded as the instigator of the murder; it is certain that he was a man from whom such a deed might be expected, that he reaped the fruits of the crime, and that he punished the well-known originators of it only with words. The removal of Rufus and the commandership of Strabo formed a new and serious danger for Sulla; yet he did nothing to deprive the latter of his command. Soon afterwards, when his consulship expired, he found himself on the one hand urged by his successor Cinna to depart at length for Asia where his presence was certainly urgently needed, and on the other hand cited by one of the new tribunes before the bar of the people; it was clear to the dullest eye, that a new attack on him and his party was in preparation, and that his opponents wished his removal. Sulla had no alternative save either to push the matter to a breach with Cinna and perhaps with Strabo and once more to march on Rome, or to leave Italian affairs to take their course and to remove to another continent. Sulla decided—whether more from patriotism or more from indifference, will never be ascertained—for the latter alternative; handed over the corps left behind

Strabo.

Sulla embarks for Asia.

in Samnium to the trustworthy and experienced soldier, Quintus Metellus Pius, who was invested in Sulla's stead with the proconsular commandership-in-chief over Lower Italy; gave the conduct of the siege of Nola to the propraetor Appius Claudius; and in the beginning of 667 87. embarked with his legions for the Hellenic East.

END OF VOL. III

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